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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL : MDL NO. 2804
PRESCRIPTION OPIATE :
LITIGATION :

: CASE NO.
THIS DOCUMENT : 1:17-MD-2804
RELATES TO ALL CASES:
: Hon. Dan A.
: Polster

- - -

Tuesday, December 4, 2018

- - -

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Videotaped deposition of
LISA WALKER, taken pursuant to notice,
was held at Golkow Litigation Services,
One Liberty Place, 1650 Market Street,
Suite 5150, Philadelphia, Pennsylvania
19103, beginning at 9:12 a.m., on the
above date, before Amanda Dee
Maslynsky-Miller, a Certified Realtime
Reporter.

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

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3 (Pages 6 to 9)

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<p>1 - - -</p> <p>2 E X H I B I T S</p> <p>3 - - -</p> <p>4 NO. DESCRIPTION PAGE</p> <p>5 Endo-Walker</p> <p>6 Exhibit-35 ENDO_OPIOID_MDL</p> <p>7 00852918-925 616</p> <p>8 Endo-Walker</p> <p>9 Exhibit-36 PAR_OPIOID_MDL</p> <p>10 0000404285 629</p> <p>11 Endo-Walker</p> <p>12 Exhibit-37 No Bates</p> <p>13 7/16/13 E-mail from Laurel</p> <p>14 McDermott to Sanjay Patel;</p> <p>15 Subject: SOMS Customer</p> <p>16 Letter & Sales Rep Talking</p> <p>17 Points 640</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 - - -</p> <p>2 (It is hereby stipulated and</p> <p>3 agreed by and among counsel that</p> <p>4 sealing, filing and certification</p> <p>5 are waived; and that all</p> <p>6 objections, except as to the form</p> <p>7 of the question, will be reserved</p> <p>8 until the time of trial.)</p> <p>9 - - -</p> <p>10 VIDEO TECHNICIAN: We are</p> <p>11 now on the record. My name is Dan</p> <p>12 Lawlor. I'm a videographer with</p> <p>13 Golkow Litigation Services.</p> <p>14 Today's date is December 4, 2018,</p> <p>15 and the time is 9:12 a.m.</p> <p>16 This video deposition is</p> <p>17 being held in Philadelphia,</p> <p>18 Pennsylvania, in the matter of</p> <p>19 National Prescription Opiate</p> <p>20 Litigation, MDL Number 2804. The</p> <p>21 deponent is Lisa Walker.</p> <p>22 Counsel will be noted on the</p> <p>23 stenographic record. The court</p> <p>24 reporter is Amanda Miller and will</p>
Page 11	Page 13
<p>1 - - -</p> <p>2 D E P O S I T I O N S U P P O R T I N D E X</p> <p>3 - - -</p> <p>4</p> <p>5 Direction to Witness Not to Answer</p> <p>6 Page Line Page Line Page Line</p> <p>7 None</p> <p>8</p> <p>9</p> <p>10 Request for Production of Documents</p> <p>11 Page Line Page Line Page Line</p> <p>12 None</p> <p>13</p> <p>14</p> <p>15 Stipulations</p> <p>16 Page Line Page Line Page Line</p> <p>17 12 1</p> <p>18</p> <p>19</p> <p>20 Question Marked</p> <p>21 Page Line Page Line Page Line</p> <p>22 22 14 64 10</p> <p>23 59 4 290 14</p> <p>24</p>	<p>1 now swear in the witness.</p> <p>2 - - -</p> <p>3 LISA WALKER, after having</p> <p>4 been duly sworn, was examined and</p> <p>5 testified as follows:</p> <p>6 - - -</p> <p>7 E X A M I N A T I O N</p> <p>8 - - -</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Good morning, Ms. Walker.</p> <p>11 My name is Dave Buchanan.</p> <p>12 Can you state your full name</p> <p>13 for the record, please?</p> <p>14 A. Lisa Walker.</p> <p>15 Q. And you're local here in the</p> <p>16 Malvern area; is that right?</p> <p>17 A. Yes, correct.</p> <p>18 Q. And your current employer,</p> <p>19 ma'am?</p> <p>20 A. Endo Pharmaceuticals.</p> <p>21 Q. And how long have you been</p> <p>22 with Endo?</p> <p>23 A. Twenty years.</p> <p>24 Q. You started in 1998?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. Were you with the</p> <p>3 predecessor company that was within</p> <p>4 DuPont, or a predecessor company that was</p> <p>5 involved in selling the same products</p> <p>6 that Endo ultimately sold?</p> <p>7 A. Yes, I also worked for</p> <p>8 DuPont.</p> <p>9 Q. So let's run through that a</p> <p>10 little bit and figure out exactly where</p> <p>11 you fit in the scheme of things.</p> <p>12 First of all, before we get</p> <p>13 too far down the road, have you been</p> <p>14 deposed before?</p> <p>15 A. No, I have not.</p> <p>16 Q. I'm sure you've had some</p> <p>17 time with counsel to get ready for today,</p> <p>18 fair?</p> <p>19 A. Yes.</p> <p>20 Q. And you met with counsel</p> <p>21 over a period of days?</p> <p>22 A. Yes.</p> <p>23 Q. And who did you meet with?</p> <p>24 A. Bob and Alex and Jobina.</p>	<p style="text-align: right;">Page 16</p> <p>1 it so I can reframe it and be as clear as</p> <p>2 I can, okay?</p> <p>3 A. Uh-huh.</p> <p>4 Q. And I guess by the nod of</p> <p>5 your head and the lack of an audible</p> <p>6 response, I need to remind you of that.</p> <p>7 The court reporter is here</p> <p>8 and is going to take everything down.</p> <p>9 The video may capture things in a</p> <p>10 different way, but we do need to make</p> <p>11 sure that you provide an audible</p> <p>12 response, okay? A yes or no if it's a</p> <p>13 yes-or-no question, fair?</p> <p>14 A. Yes.</p> <p>15 Q. We'll probably go an hour</p> <p>16 and-a-half or so between breaks. If you</p> <p>17 need something earlier, just let me know,</p> <p>18 okay?</p> <p>19 A. That's fine.</p> <p>20 MR. LIMBACHER: Counsel,</p> <p>21 just so you're aware, I think it</p> <p>22 would be my preference if we stop</p> <p>23 roughly about every hour.</p> <p>24 MR. BUCHANAN: Well, as I</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. And how much time did you</p> <p>2 spend doing that?</p> <p>3 A. About four days.</p> <p>4 Q. Four full days?</p> <p>5 A. No, just a few hours each</p> <p>6 day.</p> <p>7 Q. And when was the last time</p> <p>8 you did that?</p> <p>9 A. Yesterday.</p> <p>10 Q. Okay. Twenty hours all</p> <p>11 told? What's a good estimate?</p> <p>12 A. I don't recall. Probably</p> <p>13 about 20 or so.</p> <p>14 Q. So I'm going to ask you</p> <p>15 questions throughout the day. I hope you</p> <p>16 had a chance to discuss what the process</p> <p>17 would involve with counsel before you got</p> <p>18 here.</p> <p>19 You're the guest of honor</p> <p>20 today, so if you need a break, just let</p> <p>21 me know. Is that okay?</p> <p>22 A. Yes.</p> <p>23 Q. And if you don't understand</p> <p>24 a question, just please ask me to restate</p>	<p style="text-align: right;">Page 17</p> <p>1 said, the witness is the star of</p> <p>2 the show.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. So we'll proceed until you</p> <p>5 tell us you need a break.</p> <p>6 Fair, ma'am?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So let's dial back</p> <p>9 the clock a little bit.</p> <p>10 1998 to present, an Endo</p> <p>11 employee?</p> <p>12 A. That's correct.</p> <p>13 Q. Prior to that point in time,</p> <p>14 a DuPont employee?</p> <p>15 A. That's correct.</p> <p>16 Q. So the check you were</p> <p>17 getting prior to 1998 came from E.I.</p> <p>18 dupont de Nemours or some other company?</p> <p>19 A. It came from DuPont Merck</p> <p>20 Pharmaceuticals.</p> <p>21 Q. Got you, okay.</p> <p>22 And how long did you work</p> <p>23 with them?</p> <p>24 A. Nine years.</p>

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<p style="text-align: right;">Page 18</p> <p>1 Q. So that takes you back to 2 '89 or '90? 3 A. 1989 I started. 4 Q. Working in Wilmington? 5 A. No, out in Barlemo Plaza. 6 Q. That's Delaware? 7 A. Yes. 8 Q. And what was your position 9 with DuPont, ma'am? 10 A. When I started, I worked 11 off -- I worked in the mailroom pushing 12 the mail cart. 13 Q. Okay. So you worked in that 14 function from 1989 or so, and then you 15 advanced in the ranks at DuPont? 16 A. Correct. I moved to the 17 customer service department at DuPont 18 Merck around '91, '92. 19 Q. Within DuPont Merck, did 20 they have a product line that was 21 controlled substances? 22 A. Yes, they did. 23 Q. And we're going to talk 24 about controlled substances at various</p>	<p style="text-align: right;">Page 20</p> <p>1 But did that change over the 2 years? 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: It didn't, no. 6 I had no control over that when I 7 worked at DuPont. 8 BY MR. BUCHANAN: 9 Q. Oh, I see, okay. 10 So what was your role and 11 function at DuPont between '89/'90 and 12 '98? 13 A. Like I said, I worked in the 14 mailroom. And then I was a clerical -- I 15 was a clerk within the customer service 16 department. And then I became a customer 17 service rep. 18 Q. Okay. And as customer 19 service rep, what did you do for DuPont? 20 A. Order entry, putting in 21 orders. 22 Q. Customers would send in 23 orders, you would receive them 24 physically, probably, by fax or mail?</p>
<p style="text-align: right;">Page 19</p> <p>1 points during today. 2 And do you understand what 3 those are? 4 A. Yes. 5 Q. And what are they? 6 A. Controlled substances? 7 Q. Yes. 8 A. They are opioid products, 9 pain products that are stored differently 10 than other products within the warehouse. 11 Q. Do you have -- you do have a 12 water if you need? 13 A. Yes. 14 Q. I'll need one throughout the 15 day, so please excuse me if I'm doing 16 that as I'm asking questions. 17 All right. So DuPont had a 18 product line that was controlled 19 substances, fair? 20 A. Yes. 21 Q. And, obviously, when you're 22 in the mailroom, you probably didn't have 23 direct responsibility for oversight of 24 controlled substances.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. At that time, yes. 2 Q. And then you would 3 physically key them into a computer 4 system and track the orders? 5 A. Yes. 6 Q. And was that really the 7 extent of your exposure to controlled 8 substance orders at that point in time? 9 A. Yes, that's correct. 10 Q. You weren't responsible for 11 filling the orders? 12 A. No, I was not. 13 Q. You weren't responsible for 14 selling to customers? 15 A. No, I was not. 16 Q. As a customer service rep, 17 you were the liaison between DuPont Merck 18 and the end customer, in terms of getting 19 their order physically input into the 20 system so it could be fulfilled? 21 A. The end customer would be 22 the wholesaler. 23 Q. Got it. 24 So DuPont Merck had</p>

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<p>1 wholesale customers?</p> <p>2 A. Yes.</p> <p>3 Q. Distributors as customers?</p> <p>4 A. I just -- I don't recall.</p> <p>5 It was 20 years ago. Mostly wholesalers.</p> <p>6 Q. Okay. Let's step back in</p> <p>7 time prior to your time at DuPont Merck.</p> <p>8 Did you have any role and</p> <p>9 involvement in the pharmaceutical</p> <p>10 industry prior to 1989 or '90?</p> <p>11 A. No.</p> <p>12 Q. And what was your prior</p> <p>13 employment?</p> <p>14 A. Prior to DuPont?</p> <p>15 Q. Yes.</p> <p>16 A. I was in college.</p> <p>17 Q. All right. Graduated when?</p> <p>18 A. I graduated college in 1995.</p> <p>19 Q. Okay. Started college when?</p> <p>20 A. Right after high school,</p> <p>21 '87.</p> <p>22 Q. Got you.</p> <p>23 So you were working at</p> <p>24 DuPont while you were finishing college?</p>	<p>1 Q. So since college, since</p> <p>2 starting college, you've really had two</p> <p>3 employers, DuPont Merck and Endo?</p> <p>4 A. That is correct.</p> <p>5 Q. You're still in the area</p> <p>6 here? Home?</p> <p>7 A. Home is in Pennsylvania,</p> <p>8 yes.</p> <p>9 Q. And work every day, you're</p> <p>10 driving out to Malvern?</p> <p>11 A. Yes.</p> <p>12 Q. And that's the home base for</p> <p>13 Endo today?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And your paycheck</p> <p>16 today, what's the logo on the top, or</p> <p>17 what's the name of the company that sends</p> <p>18 your paycheck to you?</p> <p>19 A. Endo Pharmaceuticals.</p> <p>20 Q. Got you.</p> <p>21 And is Endo Pharmaceuticals</p> <p>22 a subsidiary, as you understand it, to</p> <p>23 Endo the parent?</p> <p>24 MR. LIMBACHER: Object to</p>
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<p>1 A. That's correct.</p> <p>2 Q. Okay. And where did you go</p> <p>3 to school?</p> <p>4 A. Wilmington College.</p> <p>5 Q. And that's Wilmington,</p> <p>6 Delaware?</p> <p>7 A. Yes.</p> <p>8 Q. And you graduated with a</p> <p>9 degree in some specialty?</p> <p>10 A. Business management,</p> <p>11 Bachelor's.</p> <p>12 Q. Got you.</p> <p>13 Did you go on to any</p> <p>14 postgraduate further education?</p> <p>15 A. No.</p> <p>16 Q. Any certificate programs</p> <p>17 anywhere, ma'am?</p> <p>18 A. No.</p> <p>19 Q. Any focus on medicine or</p> <p>20 healthcare as part of your education?</p> <p>21 A. No.</p> <p>22 Q. So your education, we can</p> <p>23 fairly characterize as was in business?</p> <p>24 A. Correct, yes.</p>	<p>1 form.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. If you know.</p> <p>4 A. I don't know. I can't</p> <p>5 confirm.</p> <p>6 Q. Okay. Endo Pharmaceuticals</p> <p>7 has been in the business of selling</p> <p>8 branded -- among other things, but in the</p> <p>9 business of selling branded opioid</p> <p>10 products for the time that you've been at</p> <p>11 the company, fair?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. Endo Pharmaceuticals is a</p> <p>17 manufacturer of opioids?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form. Foundation.</p> <p>20 THE WITNESS: It depends on</p> <p>21 what your definition of</p> <p>22 "manufacturer" is.</p> <p>23 Yes, we do own the products,</p> <p>24 but we don't physically</p>

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<p style="text-align: right;">Page 26</p> <p>1 manufacture the products. 2 BY MR. BUCHANAN: 3 Q. I understand. 4 You contract out to other 5 people to make them -- 6 A. Correct. 7 Q. -- for you, but ultimately 8 on the label and everything it will say 9 you're the manufacturer, right? 10 A. Yes. 11 Q. And that's been true since 12 you've been there? 13 MR. LIMBACHER: Object to 14 form. 15 THE WITNESS: Yes. 16 BY MR. BUCHANAN: 17 Q. Could you run through some 18 of the names of the products that are -- 19 branded opioids that you've had a role 20 and involvement with while you've been at 21 Endo? 22 A. Percocet, Opana, Zydene, 23 Belbuca. 24 Q. That's a newer one?</p>	<p style="text-align: right;">Page 28</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: I can't 4 confirm that, no. 5 BY MR. BUCHANAN: 6 Q. Is it fair to say, ma'am, 7 over the time that you've been at Endo, 8 Endo has manufactured and shipped 9 billions of Percocet pills? 10 MR. LIMBACHER: Object to 11 form. 12 THE WITNESS: I can't 13 confirm the dollar value that you 14 just said. 15 BY MR. BUCHANAN: 16 Q. I wasn't talking dollar 17 value. 18 Just billions of pills? 19 MR. LIMBACHER: Same 20 objection. 21 THE WITNESS: I can't 22 confirm the number of pills. 23 BY MR. BUCHANAN: 24 Q. Let's talk about the</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes. 2 Q. Percocet is a combination 3 narcotic together with aspirin -- or 4 acetaminophen, excuse me? 5 MR. LIMBACHER: Object to 6 form. 7 BY MR. BUCHANAN: 8 Q. Withdrawn. 9 Percocet is a combination of 10 acetaminophen and a narcotic? 11 MR. LIMBACHER: If you know. 12 THE WITNESS: I don't know 13 the -- I can't confirm the actual 14 ingredients of the product. 15 BY MR. BUCHANAN: 16 Q. Do you know whether 17 Percocet, ma'am, has an active narcotic 18 in it? 19 A. I know that Percocet is an 20 opioid, yes. But the active ingredient, 21 I can't confirm that. 22 Q. You don't know whether it's 23 oxycodone, hydrocodone, something else, 24 oxymorphone?</p>	<p style="text-align: right;">Page 29</p> <p>1 positions, I guess, you had -- well, let 2 me finish this thread first. Withdrawn. 3 Is it fair to say, ma'am, 4 over the time that you've been at Endo, 5 Endo has shipped hundreds of millions of 6 Opana pills? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: Again, I can't 10 confirm the actual number of 11 pills. 12 BY MR. BUCHANAN: 13 Q. I'm not asking for the 14 actual number. 15 Do you have a sense, though, 16 that over the time that you were there, 17 Endo has shipped hundreds of millions of 18 Opana ER pills? 19 MR. LIMBACHER: Same 20 objection. 21 THE WITNESS: Again, I'm 22 sorry, I can't confirm that 23 number. 24 BY MR. BUCHANAN:</p>

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<p>1 Q. Endo was making a lot of</p> <p>2 opioids, fair?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form.</p> <p>5 THE WITNESS: We make</p> <p>6 opioids, yes.</p> <p>7 BY MR. BUCHANAN:</p> <p>8 Q. You made a lot?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: I'm not -- I</p> <p>12 can't confirm that. I don't know</p> <p>13 what your definition of "a lot"</p> <p>14 is. I'm not going to -- I can't</p> <p>15 answer that.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. What's your definition of "a</p> <p>18 lot," ma'am?</p> <p>19 MR. LIMBACHER: Same</p> <p>20 objection. Object to form.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. Would 100 million be a lot?</p> <p>23 A. I can't speak to the number</p> <p>24 of pills. And I'm not going to speak to</p>	<p>1 know, programs in place to monitor</p> <p>2 excessive orders.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. I'm just asking you what</p> <p>5 excessive was.</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form. You're asking for a</p> <p>8 definition from a dictionary?</p> <p>9 MR. BUCHANAN: Counsel, you</p> <p>10 get to object to form.</p> <p>11 MR. LIMBACHER: No. I'm</p> <p>12 asking you to rephrase your</p> <p>13 question, please.</p> <p>14 MR. BUCHANAN: No, that's</p> <p>15 not the way it works.</p> <p>16 MR. LIMBACHER: I don't</p> <p>17 understand.</p> <p>18 MR. BUCHANAN: It's my right</p> <p>19 to rephrase my question. Your</p> <p>20 role is to tell me whether you</p> <p>21 have an objection to form, for my</p> <p>22 benefit.</p> <p>23 MR. LIMBACHER: And I'm</p> <p>24 objecting -- I'm objecting to your</p>
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<p>1 the number -- the dollar value.</p> <p>2 I can't. That's not --</p> <p>3 that's not within my role. I don't know.</p> <p>4 Q. Well, you saw orders cross</p> <p>5 your desk, right?</p> <p>6 A. Yes.</p> <p>7 Q. And one of your jobs was to</p> <p>8 evaluate orders if they were excessive,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. So what's a lot?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 THE WITNESS: That's not a</p> <p>15 fair question. I don't know</p> <p>16 what -- it depends what you're</p> <p>17 talking about, a lot. Each</p> <p>18 customer is different. Each</p> <p>19 wholesaler is different.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. What's excessive?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 THE WITNESS: We had, you</p>	<p>1 question.</p> <p>2 MR. BUCHANAN: I'll ask you</p> <p>3 if I need clarification.</p> <p>4 MR. LIMBACHER: I'm</p> <p>5 objecting to your question.</p> <p>6 I don't think we're here to</p> <p>7 ask her for definitions of</p> <p>8 individual words.</p> <p>9 MR. BUCHANAN: Move to</p> <p>10 strike, counsel.</p> <p>11 MR. LIMBACHER: You have to</p> <p>12 put it into some kind of context.</p> <p>13 MR. BUCHANAN: Just mark the</p> <p>14 transcript, please.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. Ma'am, I'd just like to</p> <p>17 know, during your time at Endo, am I</p> <p>18 correct that you had a role and</p> <p>19 involvement for the monitoring of</p> <p>20 suspicious orders?</p> <p>21 A. Yes.</p> <p>22 Q. Monitoring for suspicious</p> <p>23 orders, among other things, includes</p> <p>24 monitoring for excessive orders, right?</p>

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<p>1 A. Yes.</p> <p>2 Q. Excessive by quantity,</p> <p>3 right?</p> <p>4 A. We had an excessive -- we</p> <p>5 had an excessive program and SOM programs</p> <p>6 in place, yes.</p> <p>7 Q. And that was among your role</p> <p>8 and functions over the time at Endo,</p> <p>9 fair?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. So I'd like to know,</p> <p>12 what's an excessive order?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 THE WITNESS: We have</p> <p>16 programs in place that monitor our</p> <p>17 excessive orders and SOM programs</p> <p>18 in place. And those orders come</p> <p>19 in, and they're reviewed and</p> <p>20 they're released as necessary.</p> <p>21 I'm not providing a</p> <p>22 definition of an excessive order.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Well, you looked at the</p>	<p>1 Q. I'm asking whether you</p> <p>2 examined the orders?</p> <p>3 A. Yes.</p> <p>4 Q. Thank you.</p> <p>5 A. Based on our program.</p> <p>6 Q. And so over the course,</p> <p>7 ma'am, of looking at those orders, you</p> <p>8 saw orders for thousands and thousands</p> <p>9 and tens of thousands of purchases for</p> <p>10 bottles of Percocet, true?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 THE WITNESS: I don't recall</p> <p>14 actual numbers of bottles that</p> <p>15 customers may or may not have</p> <p>16 ordered.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. You don't recall even having</p> <p>19 the sense, ma'am, that in the orders that</p> <p>20 you reviewed, tens of thousands of</p> <p>21 bottles of Percocet, 100 and 500 count,</p> <p>22 were purchased containing narcotics that</p> <p>23 you manufactured, "you" meaning Endo?</p> <p>24 MR. LIMBACHER: Object to</p>
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<p>1 orders when they came across your desk?</p> <p>2 A. Yes.</p> <p>3 Q. Or came across your computer</p> <p>4 screen?</p> <p>5 A. Me or somebody on my team,</p> <p>6 yes.</p> <p>7 Q. And when you did that, one</p> <p>8 of the things you were looking for was</p> <p>9 whether they were excessive, right?</p> <p>10 A. We had a program in place</p> <p>11 that would monitor our excessive orders.</p> <p>12 Q. Is that a yes answer to my</p> <p>13 question, ma'am?</p> <p>14 A. We had --</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Is that a yes answer?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: We had a</p> <p>22 program in place that monitored</p> <p>23 our excessive orders.</p> <p>24 BY MR. BUCHANAN:</p>	<p>1 form.</p> <p>2 THE WITNESS: I can tell you</p> <p>3 that our customers placed orders,</p> <p>4 they went through our excessive</p> <p>5 program and our SOM program, and</p> <p>6 they were reviewed and released</p> <p>7 based on -- based on our program.</p> <p>8 That's what I can tell you.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. As the person -- were you, I</p> <p>11 mean, the person with that responsibility</p> <p>12 within Endo with regard to branded</p> <p>13 products?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form. Time period.</p> <p>16 THE WITNESS: Repeat your</p> <p>17 question.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. Were you that person within</p> <p>20 Endo who had responsibility for</p> <p>21 ordering -- reviewing orders to determine</p> <p>22 if they were suspicious?</p> <p>23 MR. LIMBACHER: Object to</p> <p>24 form.</p>

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<p style="text-align: right;">Page 38</p> <p>1 THE WITNESS: What time 2 frame are you asking about? 3 BY MR. BUCHANAN: 4 Q. That was a good tip from 5 your counsel, I guess. 6 MR. BUCHANAN: Counsel, I'm 7 going to ask you, if you have a 8 form objection, please state a 9 form objection. I'll decide 10 whether I need to re-ask it. 11 MR. LIMBACHER: And I will 12 make my objections as I think is 13 appropriate. 14 MR. BUCHANAN: That's 15 coaching. 16 MR. LIMBACHER: And I don't 17 appreciate the speeches, okay. 18 MR. BUCHANAN: Then you 19 should ask -- you should make 20 appropriate objections. 21 MR. LIMBACHER: I think I'm 22 doing that. 23 MR. BUCHANAN: This 24 deposition is supposed to proceed</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: If that's the 4 recommendation of my counsel. 5 BY MR. BUCHANAN: 6 Q. Thank you. 7 You stated that it depends 8 on what time as to what your role and 9 function would have been with regard to 10 suspicious orders. 11 Did I understand your 12 request for clarification correctly? 13 A. Yes. 14 Q. So when you started with 15 Endo, what was your role and function in 16 1998? 17 A. I was a contract analyst. 18 Q. At what point in time did 19 you have a role and function that gave 20 you oversight of suspicious orders? 21 MR. LIMBACHER: Object to 22 form. 23 THE WITNESS: I became the 24 director of the group in 2015.</p>
<p style="text-align: right;">Page 39</p> <p>1 as if it was in court, unless this 2 witness is going to show up in 3 court. 4 BY MR. BUCHANAN: 5 Q. Ma'am, are you planning to 6 come to court? 7 MR. LIMBACHER: Object to 8 form. 9 MR. BUCHANAN: Withdrawn. 10 BY MR. BUCHANAN: 11 Q. When this case goes to trial 12 in September of this year, September of 13 2019, if we request your presence at 14 court, are you willing to come to 15 Cleveland and make your presence there 16 live? 17 MR. LIMBACHER: Object to 18 form. 19 THE WITNESS: If that's the 20 recommendation of my counsel, then 21 I will do that. 22 BY MR. BUCHANAN: 23 Q. Okay. It would not be too 24 inconvenient for you to attend, correct?</p>	<p style="text-align: right;">Page 41</p> <p>1 BY MR. BUCHANAN: 2 Q. My question was, at what 3 point in time did you have a role and 4 function that gave you oversight of 5 suspicious orders? 6 MR. LIMBACHER: Object to 7 form. 8 THE WITNESS: I've always 9 been part of the customer service 10 and distribution group my entire 11 time at Endo. The ultimate 12 responsibility became when I 13 became a director in 2015. 14 BY MR. BUCHANAN: 15 Q. Okay. When did you have any 16 oversight and responsibility for 17 monitoring for suspicious orders of your 18 customers? 19 A. I don't recall. 20 MR. LIMBACHER: Object to 21 form. 22 THE WITNESS: Sorry. 23 I don't recall. I've been 24 with the company for 20 years.</p>

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<p>1 Some time during that time frame. 2 I don't recall the exact time. 3 BY MR. BUCHANAN: 4 Q. Can you identify somebody -- 5 is there a time frame when you recall 6 that you did have that responsibility -- 7 MR. LIMBACHER: Same 8 objection. 9 BY MR. BUCHANAN: 10 Q. -- prior to 2015? 11 A. No, I don't recall the exact 12 date. 13 Q. Well, if you weren't looking 14 at suspicious orders, ma'am, who was, or 15 orders to assess whether they were 16 suspicious, who was doing that? 17 A. It could have been me. It 18 could have been my boss at the time. It 19 could have been somebody on the team. 20 There's a variety of people. 21 Q. Okay. What was the name of 22 your group? 23 Withdrawn. 24 What was the name of the</p>	<p>1 Solutions, that does all of our 2 warehousing and distribution for us. 3 They also have an SOM program. 4 So there's a group of -- 5 within customer service that manages 6 these orders. And there's also the 7 regulatory group at UPS that does another 8 review of the orders. 9 So I wanted to make some 10 clarification there. 11 Q. Within the labeling of the 12 products that you sold, the narcotics, 13 Endo is listed as the manufacturer? 14 MR. LIMBACHER: Object to 15 form. 16 THE WITNESS: Yes. 17 BY MR. BUCHANAN: 18 Q. Okay. Is UPS listed as the 19 manufacturer? 20 A. No. 21 Q. So getting back to my 22 question, the customer service function 23 is not within the regulatory group at 24 Endo, fair?</p>
Page 43	Page 45
<p>1 group that had responsibility for 2 examining orders to see whether or not 3 they were suspicious? 4 MR. LIMBACHER: Object to 5 form. 6 THE WITNESS: Customer 7 service. 8 BY MR. BUCHANAN: 9 Q. Customer service? 10 A. It's the customer service 11 team, yes. 12 Q. So the role and 13 responsibility -- withdrawn. 14 The group responsible for 15 evaluating orders to determine if they 16 were suspicious was in the customer 17 service function? 18 A. Within Endo, yes. 19 Q. Did Endo have a regulatory 20 group? 21 A. So let me -- maybe I should 22 provide some clarification. 23 So Endo has a third-party 24 logistics company, UPS Supply Chain</p>	<p>1 A. Yes, that's correct. 2 Q. The customer service 3 function is not in the, quote, compliance 4 group within Endo -- 5 A. That's correct. 6 Q. -- fair? 7 The customer service 8 function is not in a DEA compliance 9 group, fair? 10 A. At Endo, yes. 11 But, if I can also add, 12 again -- 13 Q. That was my only question, 14 ma'am. 15 MR. LIMBACHER: You can 16 finish your answer. 17 Go ahead. 18 THE WITNESS: Thank you. 19 MR. BUCHANAN: Does it go to 20 my question? 21 MR. LIMBACHER: You can 22 finish your answer. 23 She's entitled to finish her 24 answer. You interrupted her,</p>

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<p style="text-align: right;">Page 46</p> <p>1 counsel.</p> <p>2 MR. BUCHANAN: I don't think</p> <p>3 so. I think, counsel, you'll have</p> <p>4 an opportunity -- you'll have an</p> <p>5 opportunity to direct examination.</p> <p>6 MR. LIMBACHER: I think it</p> <p>7 was pretty clear you interrupted</p> <p>8 her.</p> <p>9 So why don't you go ahead</p> <p>10 and finish your answer, if you</p> <p>11 remember at this point.</p> <p>12 MR. BUCHANAN: I'll read the</p> <p>13 question back to you, ma'am.</p> <p>14 MR. LIMBACHER: Why don't</p> <p>15 you read the partial answer that</p> <p>16 she gave and maybe that will</p> <p>17 refresh her as to where she was</p> <p>18 trying to go when you interrupted</p> <p>19 her.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. The customer service</p> <p>22 function is not in a DEA compliance</p> <p>23 group, fair?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 48</p> <p>1 was part of regulatory.</p> <p>2 Q. And is it?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form. Asked and answered.</p> <p>5 THE WITNESS: No, it's not.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. Thank you.</p> <p>8 I was asking you earlier</p> <p>9 when you evolved into an oversight</p> <p>10 responsibility or had some responsibility</p> <p>11 for suspicious order monitoring.</p> <p>12 Can you describe for me,</p> <p>13 ma'am, when you had some responsibility</p> <p>14 for that --</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. -- for the first time?</p> <p>19 A. Can you clarify that?</p> <p>20 Q. In what way?</p> <p>21 A. I don't understand your</p> <p>22 question exactly.</p> <p>23 Q. Okay. As I understand it,</p> <p>24 ma'am, and your company has told us, that</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Thank you.</p> <p>2 A. But what I wanted to add to</p> <p>3 that, so as I stated, our products are</p> <p>4 shipped under -- let me back up.</p> <p>5 Endo has a 3PL, third-party</p> <p>6 logistics company, which is UPS Supply</p> <p>7 Chain Solutions. Our products are</p> <p>8 shipped under UPS's DEA license. UPS</p> <p>9 also has their own SOM program, which is</p> <p>10 part of the regulatory group.</p> <p>11 So the Endo products are</p> <p>12 shipped and monitored -- sorry, the Endo</p> <p>13 products are monitored through Endo's SOM</p> <p>14 program and UPS's SOM program. So I</p> <p>15 wanted to make that clear to everybody</p> <p>16 here.</p> <p>17 MR. BUCHANAN: I'll move to</p> <p>18 strike as nonresponsive.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Do you remember my question?</p> <p>21 A. Yes, I remember your</p> <p>22 question.</p> <p>23 Q. And what was it?</p> <p>24 A. If the customer service team</p>	<p style="text-align: right;">Page 49</p> <p>1 you had responsibility for suspicious</p> <p>2 order monitoring.</p> <p>3 When did you first have that</p> <p>4 responsibility?</p> <p>5 A. So Endo has always had an</p> <p>6 excessive program in place since '99, and</p> <p>7 it's evolved over time.</p> <p>8 Q. Okay.</p> <p>9 A. I've always been part of the</p> <p>10 customer service and distribution group</p> <p>11 my entire -- my entire time at Endo. I</p> <p>12 became the director in 2015.</p> <p>13 So the ultimate</p> <p>14 responsibility was 2015. But I've been</p> <p>15 part of the team the entire time I've</p> <p>16 been at Endo.</p> <p>17 Q. Who had that responsibility</p> <p>18 in 2010?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: I was not the</p> <p>22 director of the group back then,</p> <p>23 but it was part of my</p> <p>24 responsibility, along with other</p>

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<p style="text-align: right;">Page 50</p> <p>1 team members.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. Who was more senior to you</p> <p>4 with that responsibility, then, in 2010?</p> <p>5 A. There was a director of the</p> <p>6 team.</p> <p>7 Q. And who was that person?</p> <p>8 A. Her name was Jill Connell.</p> <p>9 Q. And would Ms. Connell review</p> <p>10 the orders to determine whether they were</p> <p>11 suspicious?</p> <p>12 A. No, no. She would if I</p> <p>13 needed her to. But no, it was my</p> <p>14 responsibility, or somebody on my team.</p> <p>15 Q. So as of 2010, I understand</p> <p>16 Ms. Connell was senior to you, but you</p> <p>17 had the responsibility for overseeing</p> <p>18 whether the orders were suspicious or</p> <p>19 not?</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Okay. Let's dial the clock</p>	<p style="text-align: right;">Page 52</p> <p>1 A. It is.</p> <p>2 But I'd like to add.</p> <p>3 Q. Thank you.</p> <p>4 A. Again, I want to remind</p> <p>5 everybody that Endo, we've had a</p> <p>6 partnership with UPS Supply Chain</p> <p>7 Solutions since 2000, who also had their</p> <p>8 own SOM program. So they were also part</p> <p>9 of the equation of monitoring orders for</p> <p>10 Endo.</p> <p>11 Q. I understand.</p> <p>12 Endo is the manufacturer,</p> <p>13 correct?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form, asked and answered.</p> <p>16 THE WITNESS: Yes. Endo is</p> <p>17 the manufacturer.</p> <p>18 But our products, again, are</p> <p>19 shipped under the UPS DEA license,</p> <p>20 so they are part of the equation.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. And we'll talk about UPS. I</p> <p>23 understand they had a role and function</p> <p>24 during various points in time.</p>
<p style="text-align: right;">Page 51</p> <p>1 back to 2005.</p> <p>2 Was there somebody more</p> <p>3 senior to you, as of 2005, who had</p> <p>4 responsibility to determine if the orders</p> <p>5 were suspicious or not?</p> <p>6 A. Jill Connell was still --</p> <p>7 was still the director at the time.</p> <p>8 Q. And was her role and</p> <p>9 function in 2005 similar, in that</p> <p>10 ultimately you could have asked her but</p> <p>11 you handled it on a day-to-day basis?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. And that was the process and</p> <p>17 structure that Endo had created to</p> <p>18 oversee suspicious order monitoring of</p> <p>19 its branded controlled substances, true?</p> <p>20 A. But --</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Is that a yes?</p>	<p style="text-align: right;">Page 53</p> <p>1 I want to focus on Endo's</p> <p>2 and your role and function, fair? Is</p> <p>3 that okay?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. I just want to</p> <p>6 understand. You had that responsibility</p> <p>7 on a day-to-day basis -- withdrawn.</p> <p>8 Focusing on suspicious order</p> <p>9 monitoring, you had that responsibility</p> <p>10 through the customer service function</p> <p>11 within Endo, fair?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. For orders of Endo-branded</p> <p>17 products, correct?</p> <p>18 A. What time frame are you</p> <p>19 speaking of?</p> <p>20 Q. I'm speaking of from 1998</p> <p>21 until present.</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So at all times that</p> <p>24 you've been at Endo?</p>

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<p style="text-align: right;">Page 54</p> <p>1 A. Yes, I've been part of the</p> <p>2 same group for the entire time I've been</p> <p>3 at Endo.</p> <p>4 Q. And one component of your</p> <p>5 responsibilities within that group has</p> <p>6 been to monitor for suspicious orders,</p> <p>7 fair?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form. Asked and answered.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. Can you tell me at what</p> <p>13 point in time you identified your first</p> <p>14 suspicious order?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: I don't</p> <p>18 recall.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. I guess, can you tell me at</p> <p>21 what point in time you reported your</p> <p>22 first suspicious order to the DEA?</p> <p>23 MR. LIMBACHER: Object to</p> <p>24 form.</p>	<p style="text-align: right;">Page 56</p> <p>1 form.</p> <p>2 THE WITNESS: Not that I</p> <p>3 recall.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. And you've been in that role</p> <p>6 and function, the "role and function"</p> <p>7 being monitoring for suspicious orders,</p> <p>8 since 1998?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. You've seen thousands and</p> <p>14 thousands and thousands of orders for</p> <p>15 opioid products since 1998, true?</p> <p>16 A. We've had orders since 1998,</p> <p>17 yes.</p> <p>18 Q. A lot of them?</p> <p>19 A. It depends on what your</p> <p>20 definition of "a lot" is.</p> <p>21 Q. Okay. My definition would</p> <p>22 be orders for billions and billions of</p> <p>23 opioid pills.</p> <p>24 MR. LIMBACHER: Object to</p>
<p style="text-align: right;">Page 55</p> <p>1 THE WITNESS: I don't -- we</p> <p>2 haven't. I never -- I don't</p> <p>3 recall.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Has Endo ever reported a</p> <p>6 suspicious order for one of its branded</p> <p>7 products to the DEA?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: No, we have</p> <p>11 not.</p> <p>12 If I could remind you again,</p> <p>13 our products are shipped under</p> <p>14 UPS's license. So the person</p> <p>15 reporting a suspicious order would</p> <p>16 be UPS and not Endo.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Okay. Let's stay with my</p> <p>19 question first.</p> <p>20 Has Endo ever reported a</p> <p>21 suspicious order for one of its branded</p> <p>22 products to the DEA?</p> <p>23 A. Not --</p> <p>24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 57</p> <p>1 form. Asked and answered.</p> <p>2 THE WITNESS: I can't speak</p> <p>3 to billions of pills.</p> <p>4 But I can remind you again</p> <p>5 that we've had an excessive</p> <p>6 program in place since -- since</p> <p>7 2000, since Endo -- you know,</p> <p>8 since Endo started. And orders</p> <p>9 have been monitored since the</p> <p>10 beginning.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. So orders have been</p> <p>13 monitored and, to the best of your</p> <p>14 knowledge, Endo has never reported a</p> <p>15 single order as a suspicious order to the</p> <p>16 DEA; is that correct?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 THE WITNESS: As I recall,</p> <p>20 yes.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. You highlighted that UPS</p> <p>23 also was involved in your supply chain,</p> <p>24 fair?</p>

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<p style="text-align: right;">Page 58</p> <p>1 A. Yes.</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form. Misstates her testimony.</p> <p>4 MR. BUCHANAN: And, again,</p> <p>5 it's object to form. Don't</p> <p>6 characterize whether I've</p> <p>7 misstated any testimony.</p> <p>8 MR. LIMBACHER: I'm entitled</p> <p>9 to make my objections --</p> <p>10 MR. BUCHANAN: You are not.</p> <p>11 MR. LIMBACHER: -- counsel.</p> <p>12 MR. BUCHANAN: You are not.</p> <p>13 MR. LIMBACHER: I'm not</p> <p>14 limited to simply saying the three</p> <p>15 words "object to form."</p> <p>16 MR. BUCHANAN: I would</p> <p>17 invite you, in any courtroom, to</p> <p>18 do that and see if you don't get a</p> <p>19 reprimand from the court.</p> <p>20 MR. LIMBACHER: I've been in</p> <p>21 many courtrooms, counsel --</p> <p>22 MR. BUCHANAN: This is</p> <p>23 supposed to proceed --</p> <p>24 MR. LIMBACHER: -- and I've</p>	<p style="text-align: right;">Page 60</p> <p>1 in fulfilling orders, you identified that</p> <p>2 they have a suspicious order monitoring</p> <p>3 program as well, right?</p> <p>4 A. Yes, they do.</p> <p>5 Q. And of the orders that --</p> <p>6 withdrawn.</p> <p>7 Do I understand the workflow</p> <p>8 correctly, that Endo is the manufacturer,</p> <p>9 has relationships with customers of many</p> <p>10 forms, true?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 THE WITNESS: Our customers</p> <p>14 for the opioid products are our</p> <p>15 wholesalers.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. You have wholesale</p> <p>18 customers, true?</p> <p>19 A. Yes.</p> <p>20 Q. Companies like McKesson and</p> <p>21 Cardinal and AmerisourceBergen, correct?</p> <p>22 A. That's correct.</p> <p>23 Q. You have other distribution</p> <p>24 partners that you sell to as well, right?</p>
<p style="text-align: right;">Page 59</p> <p>1 made objections many, many times</p> <p>2 in front of a lot judges. So</p> <p>3 don't lecture me, please.</p> <p>4 MR. BUCHANAN: This is</p> <p>5 supposed to proceed as if it's in</p> <p>6 court. I'll mark the transcript.</p> <p>7 BY MR. BUCHANAN:</p> <p>8 Q. With regard to UPS's role in</p> <p>9 overseeing -- withdrawn.</p> <p>10 With regard to UPS's role in</p> <p>11 fulfilling Endo's orders -- would that be</p> <p>12 a fair characterization of one of their</p> <p>13 roles, fulfilling Endo's orders?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form.</p> <p>16 THE WITNESS: They are a</p> <p>17 part of the logistics company,</p> <p>18 yes. They do warehousing and</p> <p>19 distribution for Endo.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. I just want to make sure I'm</p> <p>22 characterizing it in a way that's</p> <p>23 reasonable from your perspective.</p> <p>24 So with regard to their role</p>	<p style="text-align: right;">Page 61</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 THE WITNESS: We have the</p> <p>4 big three that you mentioned, plus</p> <p>5 we have some regional wholesalers.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. Do you sell direct to any</p> <p>8 retail pharmacies?</p> <p>9 A. No, we do not.</p> <p>10 Q. Not today? Not ever?</p> <p>11 A. Today, no. We sold to</p> <p>12 retail distribution centers many years</p> <p>13 ago.</p> <p>14 Q. And just give me a window</p> <p>15 for when that was happening.</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: Prior to 2005,</p> <p>19 2006, if I recall correctly.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Okay. So the orders come in</p> <p>22 to Endo, as I understand the workflow.</p> <p>23 Endo has a sales team that</p> <p>24 interacts with the wholesale distributor</p>

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<p>1 customers, true?</p> <p>2 A. There is a sales team, yes.</p> <p>3 Q. Those sales folks do</p> <p>4 whatever -- you're not in a sales</p> <p>5 function, per se?</p> <p>6 A. No, I'm not.</p> <p>7 Q. You are in the business</p> <p>8 side, though, of fulfilling orders, fair?</p> <p>9 A. Yes.</p> <p>10 Q. So those orders come in,</p> <p>11 they either get keyed in or</p> <p>12 electronically submitted to Endo?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. True?</p> <p>17 A. Yes.</p> <p>18 Q. There is some review that is</p> <p>19 conducted of those orders at Endo --</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. -- correct?</p> <p>24 A. Yes. They go through</p>	<p>1 since the time you've been at Endo,</p> <p>2 between 1998 and present, no order has</p> <p>3 been flagged as suspicious by you?</p> <p>4 MR. LIMBACHER: Object to</p> <p>5 form.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. By your group?</p> <p>8 MR. LIMBACHER: Misstates</p> <p>9 her testimony.</p> <p>10 MR. BUCHANAN: I'll move to</p> <p>11 strike again, counsel.</p> <p>12 And mark the transcript,</p> <p>13 please.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. You can answer.</p> <p>16 A. Am I supposed to answer?</p> <p>17 Q. He'll do that throughout the</p> <p>18 day, and it's supposed to be for my</p> <p>19 benefit and not yours. And I can reframe</p> <p>20 my question if I need to.</p> <p>21 So you can answer.</p> <p>22 A. So when orders -- if I --</p> <p>23 could you make sure I understand your</p> <p>24 question? Could you please repeat it?</p>
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<p>1 multiple checks and balances within our</p> <p>2 system.</p> <p>3 Q. And then they are</p> <p>4 transmitted, ultimately, to your</p> <p>5 third-party logistics company.</p> <p>6 That would be UPS?</p> <p>7 A. Yes. We send to them -- we</p> <p>8 send the orders to them electronically</p> <p>9 for fulfillment.</p> <p>10 Q. So you are the first check</p> <p>11 on an order, "you" being Endo?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 THE WITNESS: Endo is, yes.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. And you and your team are</p> <p>17 the people within Endo that are</p> <p>18 monitoring for suspicious orders --</p> <p>19 A. We have a --</p> <p>20 Q. -- within Endo?</p> <p>21 A. We have a program within our</p> <p>22 SAP system, yes.</p> <p>23 Q. And am I correct, then, in</p> <p>24 understanding your testimony, ma'am, that</p>	<p>1 Q. Am I correct in</p> <p>2 understanding your testimony, ma'am, that</p> <p>3 since the time you've been at Endo,</p> <p>4 between 1998 and present, no order has</p> <p>5 been flagged as suspicious by your group?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: So all orders</p> <p>9 are -- that Endo receives go</p> <p>10 through our SOM program, and there</p> <p>11 is checks and balances within that</p> <p>12 program.</p> <p>13 MR. BUCHANAN: I'm going to</p> <p>14 move to strike as nonresponsive.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. Can you answer my question,</p> <p>17 ma'am?</p> <p>18 Have you ever --</p> <p>19 A. Not that I recall, no.</p> <p>20 Q. Okay. So over the course of</p> <p>21 the 20 years that you've been in that</p> <p>22 role, you have never flagged an order as</p> <p>23 suspicious within your group at Endo,</p> <p>24 true?</p>

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<p style="text-align: right;">Page 66</p> <p>1 MR. LIMBACHER: Object to 2 form. Misstates her testimony. 3 THE WITNESS: Not that I 4 recall. 5 BY MR. BUCHANAN: 6 Q. Let's talk about UPS. 7 So after the order clears 8 the Endo internal systems, through the 9 magic of electronics, somehow that order 10 is transmitted to UPS and captured by 11 their order processing system. 12 Would that be fair? 13 A. The orders are sent to UPS 14 for fulfillment, yes. 15 Q. And you said UPS has their 16 own checks where they monitor for 17 suspicious orders? 18 A. Yes, they do. 19 Q. And to the best of your 20 knowledge, ma'am, has UPS ever identified 21 any order that you have cleared as a 22 suspicious order? 23 MR. LIMBACHER: Object to 24 form.</p>	<p style="text-align: right;">Page 68</p> <p>1 program, in place, orders go 2 through that program. And they 3 are reviewed and released as 4 necessary. 5 And, no, nothing has been -- 6 that I recall, nothing has been 7 reported to the DEA. 8 BY MR. BUCHANAN: 9 Q. So the answer to my question 10 would be, over the 20 years you're not 11 aware of any order that's been 12 identified, by either Endo or UPS for an 13 Endo product, that's been identified as a 14 suspicious order, fair? 15 MR. LIMBACHER: Object to 16 form. 17 THE WITNESS: Not that I 18 recall. 19 BY MR. BUCHANAN: 20 Q. Okay. To clarify 21 organizationally, when we talk about 22 Endo, at a point in time, Endo acquired 23 another company known as Qualitest. 24 Do you recall that?</p>
<p style="text-align: right;">Page 67</p> <p>1 THE WITNESS: Not that I 2 recall, no. 3 BY MR. BUCHANAN: 4 Q. And has UPS ever reported a 5 suspicious order for any Endo product 6 over the 20 years that you've been 7 working with them or their predecessor? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: Not that I 11 recall. 12 BY MR. BUCHANAN: 13 Q. So sitting here today, to 14 the best of your knowledge, as a person 15 who's had the role and responsibility 16 within Endo for looking at suspicious 17 orders, you're not aware of any orders 18 the company has received in 20 years that 19 have been reported to the DEA as 20 suspicious orders; would that be fair? 21 MR. LIMBACHER: Object to 22 form. 23 THE WITNESS: Like I stated, 24 we have an excessive program, SOM</p>	<p style="text-align: right;">Page 69</p> <p>1 A. Yes. 2 Q. Qualitest had its suite of 3 products; Endo Pharmaceuticals had its 4 suite of products, true? 5 A. That's correct. 6 Q. Qualitest was largely 7 focused on generics, while Endo was 8 focused on the branded, fair? 9 MR. LIMBACHER: Object to 10 form. 11 THE WITNESS: Yes. 12 BY MR. BUCHANAN: 13 Q. Is that your understanding? 14 A. Yes, correct. 15 Q. There was a group over in 16 Qualitest that had a role and function, 17 at a point in time, with regard to 18 suspicious order monitoring of their 19 products, right? 20 A. Yes, they did. I can't 21 speak to it, but they did. 22 Q. Okay. With regard to Endo 23 Pharmaceutical's products, that role and 24 function resided -- currently resides</p>

18 (Pages 66 to 69)

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<p style="text-align: right;">Page 70</p> <p>1 with you as the last stop and previously</p> <p>2 was one of your functions, right?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form.</p> <p>5 THE WITNESS: Was one of</p> <p>6 my --</p> <p>7 BY MR. BUCHANAN:</p> <p>8 Q. Was one of your</p> <p>9 responsibilities?</p> <p>10 A. Yes, correct.</p> <p>11 Q. You testified on a few</p> <p>12 occasions, ma'am, that during your time</p> <p>13 over the last 20 years at Endo there was</p> <p>14 an excessive order program that was in</p> <p>15 place.</p> <p>16 Do you recall that?</p> <p>17 A. Yes, there was.</p> <p>18 Q. I understand your testimony</p> <p>19 that you never identified an order over</p> <p>20 the 20 years within Endo as being</p> <p>21 suspicious.</p> <p>22 Do you recall that</p> <p>23 testimony?</p> <p>24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 72</p> <p>1 form.</p> <p>2 THE WITNESS: Yes. They</p> <p>3 have been flagged as excessive.</p> <p>4 But they are reviewed, like I</p> <p>5 stated, and there's reasons that</p> <p>6 you can release orders that are</p> <p>7 flagged as excessive.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Okay. And would it be fair,</p> <p>10 ma'am, that over the years, you have</p> <p>11 indeed identified orders as excessive in</p> <p>12 quantity, true?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 THE WITNESS: Yes, orders</p> <p>16 that kicked out as excessive.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Would it be fair, ma'am,</p> <p>19 that over the years at Endo, you</p> <p>20 identified orders of unusual frequency?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: What's your</p> <p>24 definition of "unusual frequency"?</p>
<p style="text-align: right;">Page 71</p> <p>1 form. Asked and answered.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Did you ever identify an</p> <p>5 order as excessive?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: So as I</p> <p>9 stated, you know, we have an</p> <p>10 excessive program within Endo,</p> <p>11 orders go through that program.</p> <p>12 And if they kick out for any</p> <p>13 reason, they are reviewed and</p> <p>14 released as necessary.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. Okay. And when I said</p> <p>17 "excessive," that is one of the things</p> <p>18 that is reviewed in that program?</p> <p>19 A. Yes.</p> <p>20 Q. Over the course of your</p> <p>21 years with Endo, ma'am, has the excessive</p> <p>22 order program identified excessive</p> <p>23 orders?</p> <p>24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 73</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Do you have one?</p> <p>3 A. I'm asking you what your</p> <p>4 definition is.</p> <p>5 Q. I'll work with yours.</p> <p>6 Do you have a definition of</p> <p>7 "unusual"?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: It depends. I</p> <p>11 don't know what you're asking. So</p> <p>12 you need to clarify for me.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. Okay. Did you understand</p> <p>15 that one of your roles and functions, in</p> <p>16 looking for suspicious orders, was to</p> <p>17 look for orders of unusual frequency?</p> <p>18 A. Unusual frequency, it</p> <p>19 depends. I mean, there's a lot of</p> <p>20 reasons orders may kick out as excessive.</p> <p>21 It could be a holiday buying period. It</p> <p>22 could be a supply issue. It could be a</p> <p>23 back order. It could be customers are</p> <p>24 consolidating.</p>

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<p style="text-align: right;">Page 74</p> <p>1 There's many reasons that</p> <p>2 are valid that orders would kick out as</p> <p>3 excessive.</p> <p>4 Q. My question was simple. And</p> <p>5 it was really, just, did you understand</p> <p>6 that one of your roles and functions, in</p> <p>7 looking at suspicious orders, was to look</p> <p>8 for orders of unusual frequency?</p> <p>9 Did you understand that was</p> <p>10 one of your roles and functions, ma'am?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 THE WITNESS: What I can</p> <p>14 tell you is we had an excessive</p> <p>15 program. And orders went through</p> <p>16 that excessive program and orders</p> <p>17 potentially kicked out as</p> <p>18 excessive. And then they are</p> <p>19 reviewed.</p> <p>20 That's how I'm going to</p> <p>21 answer that question.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. Okay. Was one of your roles</p> <p>24 and functions in looking at orders that</p>	<p style="text-align: right;">Page 76</p> <p>1 unusual frequency?</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form. Vague.</p> <p>4 THE WITNESS: It's -- you</p> <p>5 have to -- we can go round and</p> <p>6 round about this. But I don't</p> <p>7 understand what you're asking, or</p> <p>8 it's very vague what you're</p> <p>9 asking.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Do you understand, ma'am,</p> <p>12 that as a manufacturer of narcotics, Endo</p> <p>13 had an obligation to maintain effective</p> <p>14 controls to prevent diversion?</p> <p>15 Did you have an</p> <p>16 understanding of that at any point in</p> <p>17 time?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form.</p> <p>20 THE WITNESS: Yes. And as I</p> <p>21 explained, we had the appropriate</p> <p>22 checks and balances in place</p> <p>23 within our system.</p> <p>24 Can we take a break soon,</p>
<p style="text-align: right;">Page 75</p> <p>1 came through your excessive program to</p> <p>2 look for orders of unusual frequency?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form.</p> <p>5 THE WITNESS: I'm not -- I</p> <p>6 think I answered your question.</p> <p>7 BY MR. BUCHANAN:</p> <p>8 Q. Is that one of the things</p> <p>9 you looked at, ma'am?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: We had an</p> <p>13 excessive program in place. The</p> <p>14 orders went through that excessive</p> <p>15 program. And they kicked out if</p> <p>16 anything was beyond what the</p> <p>17 program was in place.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. Okay.</p> <p>20 A. And to review it. And I</p> <p>21 gave you specific answers as to -- or</p> <p>22 specific reasons as to why orders may</p> <p>23 have kicked out.</p> <p>24 Q. Okay. Is one of the reasons</p>	<p style="text-align: right;">Page 77</p> <p>1 please? Can we take a break soon?</p> <p>2 MR. LIMBACHER: Sure.</p> <p>3 Counsel, is that all right? Is</p> <p>4 this an appropriate place to take</p> <p>5 a break?</p> <p>6 MR. BUCHANAN: I said the</p> <p>7 witness can take one when she</p> <p>8 wanted to, so I'll respect that.</p> <p>9 MR. LIMBACHER: Thank you.</p> <p>10 VIDEO TECHNICIAN: Off the</p> <p>11 record. The time is 9:54.</p> <p>12 - - -</p> <p>13 (Whereupon, a brief recess</p> <p>14 was taken.)</p> <p>15 - - -</p> <p>16 VIDEO TECHNICIAN: We're</p> <p>17 going back on the record.</p> <p>18 Beginning of Media File Number 2.</p> <p>19 The time is 10:10.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Ma'am, did there come a time</p> <p>22 in 2017 when you were approached by those</p> <p>23 within Endo for information to respond to</p> <p>24 a congressional inquiry concerning Endo's</p>

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<p style="text-align: right;">Page 78</p> <p>1 practices with regard to suspicious order 2 monitoring? 3 A. Are you speaking of the 4 McCaskill? 5 Q. Yes. 6 A. Yes. 7 Q. You're familiar with that 8 inquiry? 9 A. Yes, I am. 10 Q. And you provided information 11 in connection with it, true? 12 A. Yes. 13 Q. You've seen the response 14 that was sent to the Senate in connection 15 with that inquiry? 16 A. Yes. 17 MR. BUCHANAN: Can we get 18 669, please? 19 MR. SIEGEL: Endo Walker 20 Number 1. 21 - - - 22 (Whereupon, EndoWalker 23 Exhibit-1, 24 PAR_OPIOID_MDL_0001596408-442, was</p>	<p style="text-align: right;">Page 80</p> <p>1 are familiar with. 2 A. Yes, I've seen it. 3 Q. You've seen it in the 4 ordinary course, or just seen it getting 5 ready for today? 6 MR. LIMBACHER: Object to 7 form. 8 THE WITNESS: I've seen it 9 when we were putting it together. 10 BY MR. BUCHANAN: 11 Q. Okay. You worked 12 internally, I assume also with outside 13 counsel at that time, in connection with 14 responding to the inquiry? 15 A. Yes. 16 MR. LIMBACHER: Object to 17 form. 18 BY MR. BUCHANAN: 19 Q. Okay. And this is the 20 attachment that accompanied the letter, 21 and there were other attachments, but one 22 of the attachments that accompanied the 23 letter. 24 Do you recognize it?</p>
<p style="text-align: right;">Page 79</p> <p>1 marked for identification.) 2 - - - 3 BY MR. BUCHANAN: 4 Q. You can do this either way, 5 whatever is most convenient for you, 6 ma'am. We have it on the screen, and 7 there should have been two passed, one 8 that has the actual exhibit sticker on 9 it. 10 MR. BUCHANAN: And one for 11 you, counsel. 12 BY MR. BUCHANAN: 13 Q. I'm passing you what we 14 marked as Exhibit-1 to your deposition, 15 ma'am. It's an attachment to the 16 transmittal to the Senate in connection 17 with this inquiry. 18 Did you -- just take a few 19 moments to turn the pages. I'll zoom in 20 fairly specifically on Endo's response. 21 And "Endo" meaning Endo Pharmaceutical. 22 A. Uh-huh. 23 Q. I just want to make sure 24 this is something that you've seen and</p>	<p style="text-align: right;">Page 81</p> <p>1 A. I do. 2 Q. Let's go to -- would it be 3 fair, ma'am, that there was an inquiry 4 from Ranking Member McCaskill in the 5 summer of 2017 asking for particular 6 information from Endo in various areas, 7 true? 8 A. Yes, that's correct. 9 Q. Point one that's on the 10 first page, it says, Please describe any 11 suspicious order monitoring program Endo 12 and its subsidiaries have implemented, 13 including efforts to monitor, investigate 14 or report suspicious transactions between 15 its distributors and pharmacies and 16 efforts to analyze information related to 17 chargeback requests. 18 Did I read that correctly? 19 A. Yes. 20 Q. When you turn to the second 21 page -- and the first page is talking 22 about Par's SOM program. 23 Par is the successor by name 24 to Qualitest?</p>

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<p style="text-align: right;">Page 82</p> <p>1 A. That's correct.</p> <p>2 Q. So we can understand, this</p> <p>3 first piece they're referring to that</p> <p>4 portion of the business that was either</p> <p>5 Par or Qualitest in prior years, fair?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: Yes, that's</p> <p>9 correct.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. When we go forward in time,</p> <p>12 we see -- I shouldn't say "forward in</p> <p>13 time" -- to the second page of the</p> <p>14 document, it talks about Endo's SOM</p> <p>15 program?</p> <p>16 A. Yes.</p> <p>17 Q. How do you pronounce that as</p> <p>18 somebody in the field? Do you pronounce</p> <p>19 it SOM or S-O-M? What's your parlance?</p> <p>20 A. I mostly say SOM.</p> <p>21 Q. Got you.</p> <p>22 And did this, at the time,</p> <p>23 ma'am, fairly summarize the then-current</p> <p>24 practices of Endo with regard to</p>	<p style="text-align: right;">Page 84</p> <p>1 what this describes is essentially what</p> <p>2 you were describing to us earlier today,</p> <p>3 and that would be an order management</p> <p>4 monitoring within the company's SAP</p> <p>5 system?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: Yes. Our SOM</p> <p>9 program is within our SAP system.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. So what the company does is</p> <p>12 it gets orders, they get either input or</p> <p>13 electronically transmitted into the</p> <p>14 company's SAP system today, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Then there's an algorithm in</p> <p>17 that particular system that evaluates</p> <p>18 orders across different metrics; would</p> <p>19 that be fair?</p> <p>20 A. Yes.</p> <p>21 Q. Which you told -- this</p> <p>22 inquiry, responded to the Senate inquiry</p> <p>23 was, it evaluates individual orders based</p> <p>24 on quantity, size and frequency, QSF; is</p>
<p style="text-align: right;">Page 83</p> <p>1 suspicious order monitoring?</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form.</p> <p>4 THE WITNESS: Yes, this is</p> <p>5 our current SOM program.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. And this was the program --</p> <p>8 this is the program today?</p> <p>9 A. Yes, as of --</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: Yes, as of</p> <p>13 today. Yes.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. And the program in 2017?</p> <p>16 A. Correct.</p> <p>17 Q. Endo changed its SOM program</p> <p>18 at some point in time, 2014, 2015, true?</p> <p>19 A. In 2014 we made enhancements</p> <p>20 to it, yes.</p> <p>21 Q. So this would describe the</p> <p>22 as-enhanced program?</p> <p>23 A. That would be correct.</p> <p>24 Q. Am I correct, ma'am, that</p>	<p style="text-align: right;">Page 85</p> <p>1 that right?</p> <p>2 A. Yes.</p> <p>3 Q. And then if the system</p> <p>4 identifies a flag, then you have to clear</p> <p>5 it, right?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: If orders are</p> <p>9 flagged, they are kicked out on</p> <p>10 the report and they are reviewed</p> <p>11 and then cleared.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. And what the company did in</p> <p>14 response to this inquiry is actually</p> <p>15 produced, I believe, the orders that had</p> <p>16 been flagged by its system over a</p> <p>17 multi-year period of time and sent that</p> <p>18 to the ranking member, fair?</p> <p>19 A. The orders that were</p> <p>20 provided for this document were only for</p> <p>21 certain states. I believe it was only</p> <p>22 for the state of Missouri.</p> <p>23 Q. Let's look at that.</p> <p>24 It would be Exhibit B, is</p>

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<p style="text-align: right;">Page 86</p> <p>1 that correct, where that was attached?</p> <p>2 A. Yes.</p> <p>3 Q. And looking at Exhibit B,</p> <p>4 and I may refer, at times, to dot</p> <p>5 numbers, you'll see them in the top right</p> <p>6 corner, .14, for example.</p> <p>7 So we're on .14 of Exhibit-1</p> <p>8 to your deposition. Confusingly, this</p> <p>9 page is named Exhibit B. But let's look</p> <p>10 at that, for example.</p> <p>11 Are these -- are these</p> <p>12 orders that were identified by the</p> <p>13 algorithm as orders requiring further</p> <p>14 investigation?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And so what we see</p> <p>17 here when we look at it is the ship date,</p> <p>18 the customer, customer name, customer</p> <p>19 address, results of the investigation.</p> <p>20 Do you see that?</p> <p>21 A. Uh-huh.</p> <p>22 Q. And then we see the ultimate</p> <p>23 outcome on the right, right?</p> <p>24 MR. BUCHANAN: Is it</p>	<p style="text-align: right;">Page 88</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. And those QSF factors would</p> <p>6 be, you know, excessive by quantity,</p> <p>7 excessive by size or excessive by</p> <p>8 frequency or unusual in that regard,</p> <p>9 right?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: By quantity,</p> <p>13 size or frequency, yes.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. And so these all -- all</p> <p>16 these orders tripped the wire, so to</p> <p>17 speak, and got kicked out and required</p> <p>18 some review; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. And these are orders that</p> <p>21 would have been internally investigated</p> <p>22 by you or your team, fair?</p> <p>23 A. Yes, correct.</p> <p>24 Q. Okay. And so I guess the</p>
<p style="text-align: right;">Page 87</p> <p>1 possible to blow that up so we can</p> <p>2 see the headings a little better?</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Is that more discernible to</p> <p>5 you, ma'am?</p> <p>6 A. I can see it. It's fine.</p> <p>7 Q. Investigative results, that</p> <p>8 would be the fourth column.</p> <p>9 And then the fifth column</p> <p>10 says what?</p> <p>11 A. The action that was</p> <p>12 required.</p> <p>13 Q. Okay. And so what we see</p> <p>14 are, I don't know, pages on pages of</p> <p>15 orders that fit the description of the</p> <p>16 inquiry.</p> <p>17 Was that just the state of</p> <p>18 Missouri that you reported out?</p> <p>19 A. Correct.</p> <p>20 Q. So pages on pages of orders</p> <p>21 for customers for the state of Missouri</p> <p>22 that were flagged by the system as</p> <p>23 excessive by one of those QSF factors,</p> <p>24 right?</p>	<p style="text-align: right;">Page 89</p> <p>1 far right column, we're back on .14,</p> <p>2 please, we see kind of the results of</p> <p>3 these outcomes -- or outcome or results</p> <p>4 or action for each of these orders</p> <p>5 following the investigative review by</p> <p>6 your team, right?</p> <p>7 A. I'm sorry, say that one more</p> <p>8 time.</p> <p>9 Q. Yeah. So we see, in the far</p> <p>10 right column, is the outcome of your</p> <p>11 investigation, what happened with the</p> <p>12 order --</p> <p>13 A. Right.</p> <p>14 Q. -- right? Okay.</p> <p>15 And for that first one</p> <p>16 there, in May of 2014, what was the</p> <p>17 conclusion?</p> <p>18 A. It was cleared after it was</p> <p>19 reviewed.</p> <p>20 Q. How about for the next one?</p> <p>21 A. Cleared after review.</p> <p>22 Q. How about the next one?</p> <p>23 A. It's the same. Cleared</p> <p>24 after review.</p>

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<p style="text-align: right;">Page 90</p> <p>1 Q. How about after that?</p> <p>2 A. It was cleared after review.</p> <p>3 Q. Would it be fair to say, I</p> <p>4 guess, if we went through this</p> <p>5 exercise -- we're now at</p> <p>6 AmerisourceBergen; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And the flag is pended due</p> <p>9 to order history is the investigative</p> <p>10 reason.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And you see cleared after</p> <p>14 review, cleared after review, cleared</p> <p>15 after review, cleared after review for</p> <p>16 all these lines on this page on .14; is</p> <p>17 that fair?</p> <p>18 A. That's correct.</p> <p>19 Q. And that would have been</p> <p>20 cleared after review by you or your team?</p> <p>21 A. Yes.</p> <p>22 Q. And it wasn't a secret that</p> <p>23 you and your team were doing this within</p> <p>24 Endo, right?</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Yes.</p> <p>2 Q. And what was the result, now</p> <p>3 we're up to, I guess, 2014 for</p> <p>4 AmerisourceBergen, or 6/27 of 2014. It's</p> <p>5 page .15 on the top right corner.</p> <p>6 What was the outcome of that</p> <p>7 particular order that was pended due to</p> <p>8 order history?</p> <p>9 A. Cleared after review.</p> <p>10 Q. How about the next one?</p> <p>11 A. The same.</p> <p>12 Q. The next one?</p> <p>13 A. The same.</p> <p>14 Q. How about for the rest of</p> <p>15 this page?</p> <p>16 A. Cleared after review.</p> <p>17 Q. A few dozen orders here for</p> <p>18 AmerisourceBergen.</p> <p>19 And then moving into Express</p> <p>20 Scripts, orders were pended or held</p> <p>21 initially or kicked out of the system for</p> <p>22 various reasons, and then in each</p> <p>23 instance, after a physical review by a</p> <p>24 person, you or somebody on your team,</p>
<p style="text-align: right;">Page 91</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. I mean, you provided</p> <p>6 reports, on a weekly or monthly basis, of</p> <p>7 the orders that were investigated and</p> <p>8 their status, right?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: Repeat your</p> <p>12 question.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. You provided reports on the</p> <p>15 orders that were pended and then cleared,</p> <p>16 correct?</p> <p>17 A. No. Reports were not</p> <p>18 provided.</p> <p>19 Q. And then we see on the next</p> <p>20 page, if we go to .15, let's just start</p> <p>21 at the top again. I guess we're still in</p> <p>22 AmerisourceBergen.</p> <p>23 And, again, this would just</p> <p>24 be orders into Missouri, right?</p>	<p style="text-align: right;">Page 93</p> <p>1 they were cleared?</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form.</p> <p>4 THE WITNESS: Correct.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. And when we say "cleared</p> <p>7 after review," that means that, then,</p> <p>8 they are okay from your perspective with</p> <p>9 regard to UPS, right?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: Cleared after</p> <p>13 review means they were cleared</p> <p>14 from Endo's SAP system, but then</p> <p>15 they were sent to UPS. And then</p> <p>16 they also went through UPS's SOM</p> <p>17 program before they were</p> <p>18 ultimately shipped out.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. And then you would, under</p> <p>21 your protocol, receive calls, from time</p> <p>22 to time, from UPS about orders that were</p> <p>23 kicked out of their system, correct?</p> <p>24 A. UPS will only reach out to</p>

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<p style="text-align: right;">Page 94</p> <p>1 me if they needed additional information</p> <p>2 about an order.</p> <p>3 Q. So if they reached out to</p> <p>4 you in connection with an order that was</p> <p>5 pending by their system, they might call</p> <p>6 you in the first instance, correct?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: Repeat that.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Yes.</p> <p>12 So UPS, you said, had their</p> <p>13 own system to review?</p> <p>14 A. That's correct.</p> <p>15 Q. They had their own</p> <p>16 algorithm, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And sometimes there's things</p> <p>19 that they couldn't address internally</p> <p>20 within their system, correct?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: If they needed</p> <p>24 to, they would have reached out</p>	<p style="text-align: right;">Page 96</p> <p>1 would not tell them to ship or not</p> <p>2 ship.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. UPS did not reach out to</p> <p>5 your customers directly, correct?</p> <p>6 A. No, they do not. They reach</p> <p>7 out to the client.</p> <p>8 Q. Right. So in terms of any</p> <p>9 assessment with regard to whether an</p> <p>10 order was suspicious or not, they did not</p> <p>11 relate or communicate directly with</p> <p>12 Endo's customers, fair?</p> <p>13 A. Correct, right. They</p> <p>14 reached out to the client.</p> <p>15 Q. Any communication in that</p> <p>16 regard, with regard to the ultimate</p> <p>17 purchaser, I should say the ultimate</p> <p>18 purchaser, in this instance, we're</p> <p>19 looking on this page, the first line is</p> <p>20 AmerisourceBergen Corporation, that would</p> <p>21 have been Endo's customer for that</p> <p>22 particular order, fair?</p> <p>23 MR. LIMBACHER: Object to</p> <p>24 form.</p>
<p style="text-align: right;">Page 95</p> <p>1 for additional information.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. And you recall that over the</p> <p>4 years they did?</p> <p>5 A. A few times, yes.</p> <p>6 Q. And in each instance when</p> <p>7 they called you, you cleared it after</p> <p>8 review, correct?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: I would</p> <p>12 provide information that UPS</p> <p>13 needed, depending on what they</p> <p>14 would need.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. In no instance did you guide</p> <p>17 UPS not to ship an order, correct?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form.</p> <p>20 THE WITNESS: UPS makes that</p> <p>21 ultimate decision whether or not</p> <p>22 to ship an order.</p> <p>23 I would just provide</p> <p>24 information to what UPS needed. I</p>	<p style="text-align: right;">Page 97</p> <p>1 THE WITNESS: Yes, yes.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. So this was pending due to</p> <p>4 order history. And then we see, for many</p> <p>5 of these on this page -- actually, all of</p> <p>6 them on this page, they were cleared</p> <p>7 after review, correct?</p> <p>8 A. Yes.</p> <p>9 Q. If it went to UPS, then it</p> <p>10 tripped a wire there, they would, if they</p> <p>11 needed more information and even</p> <p>12 information from a customer, they would</p> <p>13 reach out to Endo in the first instance,</p> <p>14 not AmerisourceBergen, correct?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: If they needed</p> <p>18 information, yes.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Okay. And at no point, to</p> <p>21 your knowledge, did UPS ever reach out to</p> <p>22 a customer of Endo's like</p> <p>23 AmerisourceBergen for information to</p> <p>24 clear an order or not, fair?</p>

25 (Pages 94 to 97)

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<p style="text-align: right;">Page 98</p> <p>1 A. Not that I recall, no. They</p> <p>2 reach out to the client.</p> <p>3 Q. And you were the primary</p> <p>4 point of contact with UPS?</p> <p>5 A. Yes.</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. So we're on .16. We've been</p> <p>10 looking at orders into Missouri for Endo</p> <p>11 products, Endo opioid products over the</p> <p>12 years.</p> <p>13 I guess we're still in</p> <p>14 AmerisourceBergen now, moving into</p> <p>15 Express Scripts at the bottom.</p> <p>16 Can you tell us what the</p> <p>17 result of your inquiry was, again, on the</p> <p>18 first one here? What is that, August of</p> <p>19 2014?</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 THE WITNESS: Cleared after</p> <p>23 review.</p> <p>24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. From Endo's perspective, the</p> <p>2 order -- at that point in time, Endo did</p> <p>3 not flag an order as suspicious at that</p> <p>4 point in time, fair?</p> <p>5 A. Depends on what your</p> <p>6 definition of "suspicious" is.</p> <p>7 Suspicious as in it was flagged from our</p> <p>8 SOM program?</p> <p>9 Q. Well, is that suspicious?</p> <p>10 A. It --</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 THE WITNESS: No, not really</p> <p>14 suspicious, it just -- more</p> <p>15 information needed to be done with</p> <p>16 that particular order.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Okay. And with regard to</p> <p>19 each of the orders we see on 669.16, the</p> <p>20 top right corner of Exhibit-1 to your</p> <p>21 deposition, we see all those orders were</p> <p>22 cleared, correct?</p> <p>23 A. Uh-huh.</p> <p>24 Q. After review, right?</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. And again on this page,</p> <p>2 cleared after review, cleared after</p> <p>3 review, cleared after review, cleared</p> <p>4 after review, cleared after review,</p> <p>5 cleared after review, cleared after</p> <p>6 review, order on order on order, fair?</p> <p>7 A. Correct.</p> <p>8 Q. That was the determination</p> <p>9 with Endo with regard to each of these</p> <p>10 orders, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you understand that when</p> <p>13 it was cleared after review, from your</p> <p>14 perspective, from Endo's perspective, it</p> <p>15 was okay if UPS fulfilled the order,</p> <p>16 fair?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 THE WITNESS: No. When the</p> <p>20 orders are cleared from Endo, we</p> <p>21 know that once they hit UPS's</p> <p>22 system, they go through UPS's SOM</p> <p>23 program. And, yes.</p> <p>24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Yes.</p> <p>2 Q. Let's go to .17.</p> <p>3 Similar format. Orders on</p> <p>4 orders for various of Endo's customers,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. There's various reasons why</p> <p>8 they were kicked out of the SAP system,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And on the right, the</p> <p>12 results of the investigation are noted,</p> <p>13 fair?</p> <p>14 A. Yes.</p> <p>15 Q. And with regard to the</p> <p>16 first, what was the result?</p> <p>17 A. Cleared after review.</p> <p>18 Q. And the second?</p> <p>19 A. The same.</p> <p>20 Q. The third?</p> <p>21 A. The same.</p> <p>22 Q. The next?</p> <p>23 A. The same.</p> <p>24 Q. For each one on this page,</p>

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<p style="text-align: right;">Page 102</p> <p>1 again, ma'am?</p> <p>2 A. That's correct.</p> <p>3 Q. Cleared after review?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Okay. And so what had to</p> <p>6 happen is, the system flagged these</p> <p>7 orders as orders that tripped the</p> <p>8 algorithm for being excessive as to</p> <p>9 quantity or frequency -- what was the</p> <p>10 other QSF?</p> <p>11 A. Quantity, size and</p> <p>12 frequency.</p> <p>13 Q. There you go.</p> <p>14 They got kicked out of the</p> <p>15 system or flagged within the system as</p> <p>16 orders to be further investigated, right?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. When the system -- within</p> <p>22 the system's perspective, these were</p> <p>23 orders that needed to be physically</p> <p>24 reviewed to determine if they were</p>	<p style="text-align: right;">Page 104</p> <p>1 least on the first line, pending due to</p> <p>2 order history. We see underneath that,</p> <p>3 other investigative results, pending due</p> <p>4 to order history, pending due to order</p> <p>5 history, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And off to the right, we see</p> <p>8 the response of your investigations, you</p> <p>9 and your team's investigations, right?</p> <p>10 A. That's correct.</p> <p>11 Q. And in each case, cleared</p> <p>12 after review, cleared after review,</p> <p>13 cleared after review, cleared after</p> <p>14 review, cleared after review?</p> <p>15 A. They were. Yes, they were.</p> <p>16 But as a reminder, once we</p> <p>17 cleared them, they still go through UPS's</p> <p>18 SOM program before they were a shipment</p> <p>19 out to customers.</p> <p>20 Q. And you've told us already</p> <p>21 that Endo, in circumstances where an</p> <p>22 order would be flagged by UPS, if UPS</p> <p>23 required additional information, they</p> <p>24 would reach out to you, right?</p>
<p style="text-align: right;">Page 103</p> <p>1 suspicious or not, fair?</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form.</p> <p>4 THE WITNESS: They needed to</p> <p>5 be reviewed, yes.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. And at least with regard to</p> <p>8 each of the orders that had been flagged</p> <p>9 for further review on this page, the</p> <p>10 determination of the human beings within</p> <p>11 Endo that reviewed those orders is that</p> <p>12 they were cleared for review, cleared,</p> <p>13 correct, following review?</p> <p>14 A. They were -- correct.</p> <p>15 Q. Let's go to the next page,</p> <p>16 18.</p> <p>17 Again, we're still just</p> <p>18 looking at orders in Missouri, right?</p> <p>19 A. Yes.</p> <p>20 Q. And looking at</p> <p>21 AmerisourceBergen, among other ordering</p> <p>22 entities, customers of Endo, correct?</p> <p>23 A. Correct.</p> <p>24 Q. We see the rationale, at</p>	<p style="text-align: right;">Page 105</p> <p>1 A. Correct. Yes, they would.</p> <p>2 Q. Can you recall a single</p> <p>3 order that you were contacted on by UPS</p> <p>4 that you directed them not to ship?</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 THE WITNESS: Not that I</p> <p>8 recall.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Can you recall a single</p> <p>11 order that got kicked out by UPS's system</p> <p>12 that you identified as suspicious if they</p> <p>13 asked for additional information from</p> <p>14 you?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: They've asked</p> <p>18 for additional information on</p> <p>19 occasion, yes.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Can you identify any order</p> <p>22 that they asked you about that you</p> <p>23 subsequently confirmed, yes, it's</p> <p>24 suspicious?</p>

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<p style="text-align: right;">Page 106</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: Not that I 4 recall. 5 BY MR. BUCHANAN: 6 Q. Can you identify any order 7 that wasn't shipped by virtue of any of 8 the flags that were tripped in the system 9 following your reviews? 10 MR. LIMBACHER: Object to 11 form. 12 THE WITNESS: By Endo and 13 UPS's review? 14 BY MR. BUCHANAN: 15 Q. Yes. 16 A. Not that I recall. 17 Q. Just looked at .17. Let's 18 go to .18. 19 Again, we're looking at 20 additional purchase orders from various 21 Endo customers through the years. 22 Still limited to Missouri, 23 correct? 24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Okay. 2 .20, same story? 3 A. After the review, yes, they 4 were cleared. 5 Q. .21, same story? 6 MR. LIMBACHER: Object to 7 form. 8 THE WITNESS: Yes. 9 BY MR. BUCHANAN: 10 Q. I guess there was an 11 objection, so let me be more specific. 12 .21 reflects orders that 13 Endo received from Endo's customers, 14 correct? 15 A. Yes, these are Endo's 16 customers' orders. 17 Q. These are customer orders 18 into Missouri only, correct? 19 A. Yes, into Missouri only. 20 Q. There's a listing for a 21 reason for an investigation, correct? 22 Do you see that? 23 A. Yes. 24 Q. And then there's the outcome</p>
<p style="text-align: right;">Page 107</p> <p>1 form. 2 THE WITNESS: Yes. 3 BY MR. BUCHANAN: 4 Q. Is it your understanding 5 this entire Attachment B relates to 6 Missouri, ma'am? 7 A. Yes, that's correct. 8 Q. Okay. We're on .18. 9 And we see orders from 10 AmerisourceBergen, among others, that 11 were pended due to order history, 12 correct? 13 A. Correct. 14 Q. And off to the right, we see 15 the results, cleared after review, 16 cleared after review, et cetera, et 17 cetera, right? 18 A. Yes, they were. 19 Q. None on this were held, 20 correct? 21 A. No, they were not. 22 Q. None were cancelled and no 23 one was reported? 24 A. That's correct.</p>	<p style="text-align: right;">Page 109</p> <p>1 of that. And it says, Cleared after 2 review, correct? 3 A. That's correct. 4 Q. In each instance on this 5 page, was every order cleared after 6 review? 7 A. They were cleared after 8 review. And, again, they went through 9 UPS's SOM program before they were 10 shipped. 11 Q. Yes. And I'm focused on 12 Endo's review in the first instance, 13 okay? 14 These were all cleared by 15 Endo's review, correct? 16 A. I understand that. But I 17 just wanted to point out that they also 18 go through UPS's SOM program. 19 Q. And sitting here today, 20 ma'am, there are no orders that you're 21 aware of that weren't also cleared after 22 review by UPS, correct? 23 MR. LIMBACHER: Object to 24 form. Asked and answered.</p>

28 (Pages 106 to 109)

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<p style="text-align: right;">Page 110</p> <p>1 THE WITNESS: They went 2 through UPS's SOM program. 3 BY MR. BUCHANAN: 4 Q. Right. And to the best of 5 your knowledge, even those that tripped 6 whatever algorithm they had, based on 7 either their own determination or their 8 interactions with you, they were all 9 cleared for review -- cleared to ship? 10 A. They were, yes. 11 MR. LIMBACHER: Object to 12 form. Asked and answered. 13 BY MR. BUCHANAN: 14 Q. Okay. Let's go to .22. 15 Again, ma'am, now we're into 16 2015. This looks like a sheet of just 17 AmerisourceBergen orders. 18 These were Endo's customers, 19 right? 20 A. Uh-huh. 21 Q. Orders through Endo, 22 correct? 23 A. Yes. 24 Q. Kicked out of the system</p>	<p style="text-align: right;">Page 112</p> <p>1 Do you recall that? 2 A. They went through -- 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: Sorry. 6 They went through our 7 excessive program and they kicked 8 out for further review, yes. 9 BY MR. BUCHANAN: 10 Q. And the further review was, 11 what, for QS&F? 12 MR. LIMBACHER: Object to 13 form. 14 THE WITNESS: For the 15 quantity, size and frequency, yes. 16 BY MR. BUCHANAN: 17 Q. So the company created an 18 algorithm in its order system, it 19 identified orders, and then, 20 notwithstanding that, those orders were 21 cleared and forwarded to UPS for 22 processing, correct? 23 MR. LIMBACHER: Object to 24 form.</p>
<p style="text-align: right;">Page 111</p> <p>1 because they tripped one of the 2 algorithms the company created to monitor 3 for suspicious orders, correct? 4 MR. LIMBACHER: Object to 5 form. 6 THE WITNESS: They were 7 kicked out for further review, 8 yes. 9 BY MR. BUCHANAN: 10 Q. And when a human got 11 involved and looked at the orders, each 12 one of these orders was cleared, correct? 13 A. That's correct. 14 Q. Okay. Let's go to page .23. 15 Just satisfy yourself, 16 ma'am, that we're still looking at Endo's 17 customers here. 18 A. They are. 19 Q. These are Endo orders? 20 A. They are. 21 Q. There is a computer 22 algorithm that was represented, in the 23 front of this Exhibit-1, to Congress that 24 identified orders of unusual QS&F.</p>	<p style="text-align: right;">Page 113</p> <p>1 THE WITNESS: They were. 2 Another point of 3 clarification, you keep talking 4 about quantity, size and 5 frequency. And another piece of 6 this was also reviewing the class 7 of trade as well. 8 So these orders also looked 9 on other wholesalers' ordering 10 patterns as well. 11 BY MR. BUCHANAN: 12 Q. And the system, each of 13 these orders, by -- and these are big 14 customers, right? 15 MR. LIMBACHER: Object to 16 form. 17 THE WITNESS: We had three 18 big wholesalers which you know, 19 Endo as -- yes, correct. 20 BY MR. BUCHANAN: 21 Q. So they are buying lots of 22 product, correct? 23 MR. LIMBACHER: Object to 24 form.</p>

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<p style="text-align: right;">Page 114</p> <p>1 THE WITNESS: They are 2 buying product. 3 BY MR. BUCHANAN: 4 Q. Okay. You don't have a 5 sense of whether it was a lot or not? 6 MR. LIMBACHER: Object to 7 form. 8 THE WITNESS: I can't tell 9 by this information, no. 10 BY MR. BUCHANAN: 11 Q. And then after these orders 12 get kicked out by the algorithm, a human 13 being looks at them and cleared them 14 all -- 15 MR. LIMBACHER: Object to 16 form. 17 BY MR. BUCHANAN: 18 Q. -- right? 19 A. Yes. 20 Q. We see that on the 21 right-hand column on the screen, or on 22 the document itself? 23 A. Yes. 24 Q. Okay. Let's go to .23.</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. And I think you have told us 2 already, ma'am, that if something got 3 flagged by their system and they required 4 information about the order, they would 5 contact you? 6 A. If they required 7 information, yes. 8 Q. And you do recall that 9 happening from time to time, correct? 10 A. From time to time. 11 Q. And you recall clearing 12 those orders, correct? 13 MR. LIMBACHER: Object to 14 form. Misstates her testimony. 15 THE WITNESS: I provided 16 information to UPS. They had the 17 ultimate decision whether or not 18 to ship it or not. 19 BY MR. BUCHANAN: 20 Q. Right. You provided the 21 same type of information that you would 22 consider in internally clearing the 23 order, correct? 24 A. No, it --</p>
<p style="text-align: right;">Page 115</p> <p>1 And you can look at it just 2 quickly, ma'am, and satisfy yourself that 3 we're still just looking at orders in 4 Missouri. 5 A. Uh-huh. 6 Q. Still looking at 7 AmerisourceBergen orders. 8 Came in to you, they tripped 9 the wire in your SAP system, correct? 10 MR. LIMBACHER: Object to 11 form. 12 THE WITNESS: Correct. 13 BY MR. BUCHANAN: 14 Q. All right. Then a human 15 being got involved and cleared them -- 16 MR. LIMBACHER: Object to 17 form. 18 BY MR. BUCHANAN: 19 Q. -- right? 20 A. Yes. 21 Q. And you sent them off to UPS 22 for fulfillment, correct? 23 A. After they've gone through 24 UPS's SOM program.</p>	<p style="text-align: right;">Page 117</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: No, it would 4 depend on what they needed. 5 BY MR. BUCHANAN: 6 Q. Understood. 7 Their order could kick out 8 of their system for a different reason 9 than it would for yours, right? 10 A. Potentially, yes. 11 Q. All right. Let's go to .24. 12 We're still in orders that 13 were from Missouri customers of Endo, 14 right? 15 A. Yes. 16 Q. Buying narcotics, right? 17 MR. LIMBACHER: Object to 18 form. 19 BY MR. BUCHANAN: 20 Q. You can answer. 21 A. Yes. 22 Q. Orders getting kicked for 23 tripping a wire for one of the quantity, 24 size and frequency characteristics,</p>

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<p style="text-align: right;">Page 118</p> <p>1 right?</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form.</p> <p>4 THE WITNESS: Correct.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. And notwithstanding that</p> <p>7 they are getting flagged, these orders</p> <p>8 are not being reported to the DEA,</p> <p>9 correct?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: These orders</p> <p>13 kick out through our SOM program</p> <p>14 for further review, correct.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. The answer to my question,</p> <p>17 just as a factual matter, ma'am, none of</p> <p>18 these orders that we've looked at to this</p> <p>19 point, and we're now up to .24, were</p> <p>20 reported to DEA, correct?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: No, not that I</p> <p>24 recall.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Sorry. Cleared after</p> <p>2 review.</p> <p>3 Q. And the next one says what?</p> <p>4 A. The same thing.</p> <p>5 Q. And the whole column says</p> <p>6 that, right?</p> <p>7 A. Correct.</p> <p>8 Q. Let's go to .25.</p> <p>9 You've got a lot of orders</p> <p>10 into Missouri, don't you?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 THE WITNESS: There's orders</p> <p>14 into Missouri, yes.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. In fact, these pages that</p> <p>17 we've been looking at are all orders to</p> <p>18 big entities, AmerisourceBergen, Express</p> <p>19 Scripts. I think we saw --</p> <p>20 A. Well, if you look about</p> <p>21 Express Scripts, that was for a patient</p> <p>22 assistance program, which is different</p> <p>23 than a regular order. So that's</p> <p>24 different.</p>
<p style="text-align: right;">Page 119</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. And after your review of the</p> <p>3 orders on .24, they were cleared, right?</p> <p>4 A. Cleared to go to UPS through</p> <p>5 their SOM program before shipping.</p> <p>6 Q. And which you note here is</p> <p>7 cleared after review; that's what you</p> <p>8 stated here, correct?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: They are</p> <p>12 cleared from Endo's SAP system,</p> <p>13 and then they still go to UPS</p> <p>14 through their SOM program before</p> <p>15 shipping.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. Let's stay with what's</p> <p>18 written on this document back to the</p> <p>19 Senate inquiry on .24.</p> <p>20 What was the outcome listed</p> <p>21 on the first line?</p> <p>22 A. Cleared for review.</p> <p>23 Q. Cleared after review, is</p> <p>24 that what it says?</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. We can agree</p> <p>2 AmerisourceBergen is a big company?</p> <p>3 A. Yes.</p> <p>4 MS. ROLLINS: Object to the</p> <p>5 form.</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Big customers of yours?</p> <p>10 A. They are.</p> <p>11 Q. So we're on here again and</p> <p>12 we've got all these orders that are</p> <p>13 tripping the wire by your internal</p> <p>14 algorithm, true?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: These went</p> <p>18 through our excessive program,</p> <p>19 yes, and needed -- for further</p> <p>20 review.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. And when a human being got</p> <p>23 involved on .24, each of these orders was</p> <p>24 cleared after review, correct?</p>

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<p style="text-align: right;">Page 122</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: Correct. 4 BY MR. BUCHANAN: 5 Q. Okay. Let's go to .25. 6 Still looking at Endo's 7 customers? 8 A. Yes. 9 Q. Still looking at Missouri 10 orders? 11 A. Yes. 12 Q. Still seeing the reason 13 reported, in the fourth column, why it 14 triggered an investigation? 15 A. Correct. 16 Q. And still seeing the outcome 17 on the right as cleared after review? 18 A. Correct. 19 Q. In each instance for each 20 order, correct? 21 A. Yes. 22 Another point of 23 clarification, this is -- each one of 24 these lines is not each order. There's,</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. That particular order 2 shipment might involve multiple line 3 items and different bottle counts for 4 different products, correct? 5 MR. LIMBACHER: Object to 6 form. 7 THE WITNESS: Uh-huh. 8 BY MR. BUCHANAN: 9 Q. All right. And where would 10 you go to figure out what was in that 11 order? 12 MR. LIMBACHER: Object to 13 form. 14 THE WITNESS: Our SAP 15 system. 16 BY MR. BUCHANAN: 17 Q. How long have you been using 18 that to track your orders? 19 A. Twenty years. 20 Q. And so how would you figure 21 out what composed each of these orders? 22 A. There's reports that kick 23 out from SAP. 24 Q. And what's that report</p>
<p style="text-align: right;">Page 123</p> <p>1 you know, multiple lines on one order. 2 So I don't want you all to think this is, 3 you know, just all individual orders. 4 Q. So what you're saying, if I 5 understand your testimony, ma'am, is that 6 there's, in fact, multiple line items 7 that fill this order? 8 A. Correct, right. 9 MR. LIMBACHER: Object to 10 form. 11 BY MR. BUCHANAN: 12 Q. So let's now go to .26, for 13 example. And thank you for that 14 clarification. 15 A. Right. 16 Q. We're looking at an order 17 from AmerisourceBergen, a ship date of 18 April 3, 2015, right? 19 A. Yes. 20 Q. Okay. The order -- that's 21 the date the product was shipped, 22 correct? 23 A. Based on what this is 24 saying, correct.</p>	<p style="text-align: right;">Page 125</p> <p>1 called? 2 A. Orders on hold report, I 3 believe. 4 Q. Okay. And so the status of 5 all these orders would be orders on hold, 6 prior to them being cleared? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: Correct. 10 BY MR. BUCHANAN: 11 Q. So any order that has been 12 flagged, at any point in time by Endo's 13 algorithm, would have been an order on 14 hold, right? 15 MR. LIMBACHER: Object to 16 form. 17 THE WITNESS: Yes. 18 BY MR. BUCHANAN: 19 Q. And then the order status 20 can be changed, right? 21 MR. LIMBACHER: Object to 22 form. 23 THE WITNESS: After review. 24 It can be released for shipping,</p>

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<p style="text-align: right;">Page 126</p> <p>1 yes.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. So within your system, an</p> <p>4 order that trips the wire, so to speak,</p> <p>5 is an order on hold?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: Correct.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. And then I think you said</p> <p>11 after it clears review it's then released</p> <p>12 for shipping?</p> <p>13 A. It's released to UPS for the</p> <p>14 order to go through UPS's SOM program</p> <p>15 before it's released for shipping.</p> <p>16 Q. So what's the actual -- if</p> <p>17 we had the screen in front of us right</p> <p>18 now, SAP is the database-type program?</p> <p>19 A. It's an ERP system.</p> <p>20 Q. So you interact -- what's</p> <p>21 the name of your implementation of it?</p> <p>22 Like, does it have an application name or</p> <p>23 something?</p> <p>24 A. I know it as SAP.</p>	<p style="text-align: right;">Page 128</p> <p>1 form.</p> <p>2 THE WITNESS: We have a</p> <p>3 variety of holds. SOM is not just</p> <p>4 the only hold an order can go on.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. Does the system track the</p> <p>7 reason for the hold?</p> <p>8 A. Yes, it does.</p> <p>9 Q. Okay. So you can go in and</p> <p>10 search for orders that are on hold for</p> <p>11 SOM, right?</p> <p>12 A. Yes.</p> <p>13 Q. That is -- that's an order</p> <p>14 status field in the SAP system?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And when you go in to</p> <p>17 manually release the order, you know,</p> <p>18 following review, do you change a flag,</p> <p>19 or do you change a note in the record?</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 THE WITNESS: You add a</p> <p>23 reason code.</p> <p>24 BY MR. BUCHANAN:</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. What do you log into, to</p> <p>2 review orders that have been held or</p> <p>3 pending?</p> <p>4 A. SAP.</p> <p>5 Q. Okay. And then do you go to</p> <p>6 a particular module in that to review</p> <p>7 pending orders?</p> <p>8 A. There's -- yes, there's</p> <p>9 screens within SAP that shows orders on</p> <p>10 hold.</p> <p>11 Q. And so you can -- orders on</p> <p>12 hold have to be reviewed by a human</p> <p>13 being, as we've been discussing, right?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form.</p> <p>16 THE WITNESS: Correct.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. And when that's done -- and</p> <p>19 what are the status flags for a</p> <p>20 particular order?</p> <p>21 A. Say your question again.</p> <p>22 Q. So one of the -- one of the</p> <p>23 flags, it sounds like, is hold, right?</p> <p>24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. Okay. And you add a reason</p> <p>2 code for why it's okay to release?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form.</p> <p>5 THE WITNESS: Correct.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. Okay. And then how does the</p> <p>8 status of the order change on the basis</p> <p>9 of the order code that's been changed?</p> <p>10 A. The order is no longer on</p> <p>11 hold.</p> <p>12 Q. And so what is the current</p> <p>13 status of that order after the order is</p> <p>14 no longer on hold?</p> <p>15 A. I'm not quite sure I know</p> <p>16 what you're asking.</p> <p>17 Q. At one point you said ready</p> <p>18 to ship.</p> <p>19 Is that a -- is that a</p> <p>20 status within Endo's order system for a</p> <p>21 file that's been cleared?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 BY MR. BUCHANAN:</p>

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<p style="text-align: right;">Page 130</p> <p>1 Q. For an order that's been 2 cleared? 3 A. So if you want to get into 4 the details of SAP, you have an order. 5 And when the order has cleared any hold, 6 then a delivery is created, and that's 7 the EDI document that's sent to UPS. 8 Q. Okay. Is there a status 9 notation for the file -- for the order, 10 excuse me? 11 MR. LIMBACHER: Object to 12 form. 13 THE WITNESS: No, not 14 necessarily a status. There's an 15 order and then there's a delivery. 16 You have -- if you have a delivery 17 note, then we know the order has 18 been sent to UPS. 19 BY MR. BUCHANAN: 20 Q. I see. So when the hold is 21 released, then a delivery message is sent 22 to UPS? 23 A. Correct. A delivery is 24 created, and that's the EDI document that</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: Yes. 4 BY MR. BUCHANAN: 5 Q. Okay. Has the practice, 6 though, of when you release a hold on an 7 order and the creation of a delivery that 8 gets sent to UPS, has that changed in the 9 last 20 years? 10 A. Ask your question again, 11 please. 12 Q. And I apologize, you know, 13 there's -- I don't have entire visibility 14 to what your system looks like. 15 I'm just trying to follow 16 what the workflow is. An order trips the 17 wire, the excessive order algorithm of 18 the day, a human being intervenes to 19 review the order. 20 Do I understand that 21 correctly? 22 MR. LIMBACHER: Object to 23 form. 24 THE WITNESS: Yes.</p>
<p style="text-align: right;">Page 131</p> <p>1 gets sent to UPS. 2 Q. How long has SAP been used 3 as your system? 4 A. Twenty years. 5 Q. Since you've been there? 6 A. Correct. 7 Q. And this workflow that you 8 just described -- withdrawn. 9 I understand that the 10 release codes have changed over the 11 years, fair? 12 A. Yes. 13 Q. You've made modifications to 14 the SAP system in certain ways, right? 15 A. Correct. We've had upgrades 16 over the years. 17 Q. In one respect, you've 18 changed release codes or added additional 19 release codes, fair? 20 A. We've -- yes, we've upgraded 21 our SOM program throughout the years. 22 Q. And in 2014, 2015, you made 23 some changes to the excessive order 24 algorithm, correct?</p>	<p style="text-align: right;">Page 133</p> <p>1 BY MR. BUCHANAN: 2 Q. That has been the practice 3 since you've been there, true? 4 A. That is correct. 5 Q. The algorithms may have 6 adjusted over the years, correct? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: Yes. 10 BY MR. BUCHANAN: 11 Q. And some of the reason codes 12 have changed over the years, correct? 13 A. Correct. 14 Q. But when the order is 15 cleared after review, how does the order 16 status change? 17 A. When the order is no longer 18 on hold, a delivery note is created, and 19 that's the EDI document that's sent to 20 UPS. 21 Q. What is EDI? 22 A. Electronic data -- 23 electronic data interchange, sorry. 24 Q. And that may have been my</p>

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<p style="text-align: right;">Page 134</p> <p>1 hang up.</p> <p>2 A. I'm sorry.</p> <p>3 Q. There's some corporate speak</p> <p>4 that I'm not following. But I appreciate</p> <p>5 that.</p> <p>6 After the order is cleared,</p> <p>7 an electronic -- an EDI delivery note is</p> <p>8 created and transmitted to UPS, right?</p> <p>9 A. Correct.</p> <p>10 Q. At that point, it's in their</p> <p>11 system?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 THE WITNESS: Correct.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. All right. I think we were</p> <p>17 on .26 of Exhibit-1 to your deposition.</p> <p>18 We're looking at Exhibit B.</p> <p>19 And to re-orient us, this is</p> <p>20 a transmittal back in response to a</p> <p>21 Senate inquiry, correct?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Okay. Let's go to -- and,</p> <p>24 again, I'm not sure if we did it on this</p>	<p style="text-align: right;">Page 136</p> <p>1 form.</p> <p>2 THE WITNESS: Correct. And</p> <p>3 at that point, it goes through</p> <p>4 UPS's SOM program before release</p> <p>5 for shipping.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. When you transmit the</p> <p>8 delivery note to UPS, does UPS learn of</p> <p>9 whether the order had been held and</p> <p>10 released and if so released, the release</p> <p>11 code?</p> <p>12 A. No, they do not. They do</p> <p>13 their own independent check within their</p> <p>14 own SOM program.</p> <p>15 Q. To your --</p> <p>16 A. It doesn't --</p> <p>17 Q. Go ahead. I'm sorry.</p> <p>18 A. Regardless of what Endo</p> <p>19 does, UPS continues to do their SOM</p> <p>20 check.</p> <p>21 Q. So to the best of your</p> <p>22 knowledge, when UPS gets information on</p> <p>23 the order, at least electronically, it</p> <p>24 doesn't include any information as to</p>
<p style="text-align: right;">Page 135</p> <p>1 page, but following human intervention,</p> <p>2 all these orders that were, I think you</p> <p>3 said kicked out of the system as flagged</p> <p>4 as tripping one of the quantity, size or</p> <p>5 frequency metrics in your suspicious</p> <p>6 order algorithm, these were subject to</p> <p>7 human review, right?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. And following human review,</p> <p>13 they were all cleared after review,</p> <p>14 correct?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: Correct. They</p> <p>18 were cleared.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. And as you've described the</p> <p>21 system, after that point in time a</p> <p>22 delivery note would be created and</p> <p>23 transmitted to UPS, correct?</p> <p>24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 137</p> <p>1 whether it had been held or the reason it</p> <p>2 was released?</p> <p>3 A. No, it does not. All they</p> <p>4 do is get the order that -- who ordered</p> <p>5 it and what they're ordering.</p> <p>6 Q. Any further information that</p> <p>7 was required from the company, with</p> <p>8 regard to the company -- withdrawn.</p> <p>9 Any further information</p> <p>10 required from Endo, with regard to Endo's</p> <p>11 customer's order from Endo, would be</p> <p>12 provided by you or your team?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 THE WITNESS: If UPS needed</p> <p>16 any additional information, they</p> <p>17 would come to me.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. Right. And that was the way</p> <p>20 your work constructions worked and your</p> <p>21 understanding of their process, right?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 THE WITNESS: Correct.</p>

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<p style="text-align: right;">Page 138</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Because Endo's customers</p> <p>3 were not direct customers of UPS, at</p> <p>4 least with regard to the orders of</p> <p>5 interest, correct?</p> <p>6 A. Repeat that, please.</p> <p>7 Q. Yeah.</p> <p>8 Endo maintained the</p> <p>9 relationship with AmerisourceBergen,</p> <p>10 correct?</p> <p>11 A. Yes, correct.</p> <p>12 Q. Certainly with regard to the</p> <p>13 orders that are reflected in Exhibit B</p> <p>14 that we've been reviewing, correct?</p> <p>15 A. Yes. Endo maintained the</p> <p>16 relationship with AmerisourceBergen.</p> <p>17 Q. And so any follow-up with</p> <p>18 the customer, any due diligence that</p> <p>19 would be conducted with regard to</p> <p>20 customers was allocated to Endo, not UPS,</p> <p>21 correct?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 THE WITNESS: Yes, that's</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. And as you've described the</p> <p>2 system to us, as I understand it, once</p> <p>3 the hold was lifted and the reason code</p> <p>4 put into your SAP system, a delivery note</p> <p>5 would issue to UPS for their process,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Let's go to .28.</p> <p>9 Again, same document,</p> <p>10 similar format, Endo's customers on the</p> <p>11 left?</p> <p>12 A. Yes.</p> <p>13 Q. These would be the ship</p> <p>14 dates from those customers, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And as I understand it, for</p> <p>17 example, if we're looking at Pharmacy</p> <p>18 Buying Association -- and that's not one</p> <p>19 of the big three distributors you were</p> <p>20 talking about before, right?</p> <p>21 A. No. It's a smaller regional</p> <p>22 wholesaler.</p> <p>23 Q. So you mentioned there was</p> <p>24 McKesson, AmerisourceBergen.</p>
<p style="text-align: right;">Page 139</p> <p>1 correct.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. Okay. I think we're on .27,</p> <p>4 ma'am, just scrolling through this.</p> <p>5 And, again, we're looking at</p> <p>6 orders of Missouri customers. And I</p> <p>7 think we've got Express Scripts and</p> <p>8 several other entities on this one.</p> <p>9 Satisfy yourself, ma'am,</p> <p>10 that .27, again, is only customers from</p> <p>11 Missouri?</p> <p>12 A. Agreed.</p> <p>13 Q. And you identify the reason</p> <p>14 why further investigation was required,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. And then the result of the</p> <p>18 investigation off on the right, right?</p> <p>19 A. Correct.</p> <p>20 Q. And, again, we see cleared</p> <p>21 after review, cleared after review,</p> <p>22 cleared after review, and so on, on this</p> <p>23 page, correct?</p> <p>24 A. That's correct.</p>	<p style="text-align: right;">Page 141</p> <p>1 We also had smaller regional</p> <p>2 distributors and wholesalers that are</p> <p>3 also customers of Endo?</p> <p>4 A. Correct.</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Pharmacy Buying Association</p> <p>10 is one example of that?</p> <p>11 A. Yes.</p> <p>12 Q. And, again, we have the</p> <p>13 reason codes, and we have the result.</p> <p>14 The reason code is why they</p> <p>15 were flagged, right?</p> <p>16 A. Correct.</p> <p>17 Q. For quantity, frequency,</p> <p>18 size, et cetera, right?</p> <p>19 A. Yes.</p> <p>20 Q. And then we have the result</p> <p>21 of that investigation, true?</p> <p>22 A. Correct.</p> <p>23 Q. And in each instance, what</p> <p>24 did you write?</p>

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<p>1 A. Cleared after review.</p> <p>2 Q. And that's, in fact, what</p> <p>3 happened?</p> <p>4 A. That's correct.</p> <p>5 Q. And when the hold was</p> <p>6 lifted, UPS got the delivery note and</p> <p>7 they went through their process, right?</p> <p>8 A. They went through the rest</p> <p>9 of their process.</p> <p>10 Q. Let's go to 29. And we</p> <p>11 don't need to do too many more of these.</p> <p>12 You can satisfy yourself</p> <p>13 quickly by turning on 29, ma'am, were</p> <p>14 these all Missouri customers of Endo?</p> <p>15 A. They are.</p> <p>16 Q. In each instance on the</p> <p>17 right, after the trip wire was triggered,</p> <p>18 a review conducted and each of these</p> <p>19 orders was cleared, correct?</p> <p>20 A. Yes, correct.</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: Yes, correct.</p> <p>24 BY MR. BUCHANAN:</p>	<p>1 Q. Okay. So that's -- ship</p> <p>2 date is not the same as order date in all</p> <p>3 instances, right?</p> <p>4 A. Correct.</p> <p>5 Q. And to your -- well, you</p> <p>6 were involved in preparing this?</p> <p>7 A. Yes.</p> <p>8 Q. Did you see a version of</p> <p>9 this or create a version of this that</p> <p>10 didn't just list ship dates but actually</p> <p>11 listed all the orders?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 THE WITNESS: Not that I</p> <p>15 recall.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. Well, if all of the orders</p> <p>18 that composed these shipments were</p> <p>19 listed, there would be a lot more rows,</p> <p>20 right?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: I don't -- I</p> <p>24 don't have that data. I can't</p>
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<p>1 Q. And you've clarified for us,</p> <p>2 at least to help our understanding, that</p> <p>3 each of these ship dates actually</p> <p>4 represents multiple line items within</p> <p>5 them, correct?</p> <p>6 A. They could.</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: Yes. You</p> <p>10 can't tell by this document, but,</p> <p>11 yes.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Well, do you understand</p> <p>14 where it says ship date, is that a unique</p> <p>15 order, or could that be, you know, five</p> <p>16 different orders that got wrapped up into</p> <p>17 one particular outbound delivery on that</p> <p>18 date?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: You don't -- I</p> <p>22 can't tell that by this</p> <p>23 information.</p> <p>24 BY MR. BUCHANAN:</p>	<p>1 confirm or deny that. I would</p> <p>2 need the data to confirm that.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Well, I thought you were</p> <p>5 clarifying for us earlier, ma'am, that</p> <p>6 each of these rows is a shipment date and</p> <p>7 not necessarily just a single order?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: That's</p> <p>11 potential --</p> <p>12 MR. LIMBACHER: Asked and</p> <p>13 answered.</p> <p>14 THE WITNESS: Sorry.</p> <p>15 That's potential, yes.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. Okay. And so I guess what</p> <p>18 you were indicating in response to</p> <p>19 Ranking Member McCaskill's inquiry was</p> <p>20 this was just a deliverable to these</p> <p>21 customers on that date, right?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 BY MR. BUCHANAN:</p>

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<p>1 Q. That's shipped on that date?</p> <p>2 A. From what I can tell from</p> <p>3 this document, this -- this was an order</p> <p>4 shipped on this date that kicked out</p> <p>5 our -- within our excessive SOM program.</p> <p>6 But what I don't know, and</p> <p>7 what you can't tell from this, is if this</p> <p>8 is potentially just one line on the order</p> <p>9 or multiple lines on the order. And I</p> <p>10 don't have that information on this</p> <p>11 report.</p> <p>12 Q. Okay. If you wanted to get</p> <p>13 a report of -- I've seen references to</p> <p>14 pending orders and held orders.</p> <p>15 Do you use that term the</p> <p>16 same way?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Are they interchangeable?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MR. BUCHANAN:</p>	<p>1 request is.</p> <p>2 What are you asking?</p> <p>3 Q. I'm asking if you wanted to</p> <p>4 get a list of all the orders that were</p> <p>5 held --</p> <p>6 A. For --</p> <p>7 Q. -- or pending, to enable --</p> <p>8 pending for suspicious order or excessive</p> <p>9 quantity or tripping, whatever the</p> <p>10 company's algorithm was at the particular</p> <p>11 point in time, and subsequently</p> <p>12 investigated and the reason for the --</p> <p>13 clearing the order, what type of report</p> <p>14 would you ask for?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: Are you asking</p> <p>18 for orders from a certain time in</p> <p>19 history, or you're asking for</p> <p>20 orders today? Or currently on</p> <p>21 hold?</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. Historical.</p> <p>24 As we're looking at here,</p>
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<p>1 Q. Okay. Sometimes when UPS</p> <p>2 was communicating with the company, they</p> <p>3 would use the term "pending" as well.</p> <p>4 I mean, did you understand</p> <p>5 that to be an order they were holding?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Is it your</p> <p>8 understanding, ma'am, that from the</p> <p>9 SAP -- the company's SAP system you can</p> <p>10 get a list of any order that was held due</p> <p>11 to tripping some component of the</p> <p>12 company's suspicious order monitoring</p> <p>13 system?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form.</p> <p>16 THE WITNESS: Yeah, I</p> <p>17 believe that information is</p> <p>18 available.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. And how would you get it?</p> <p>21 A. We would have to contact our</p> <p>22 SAP team.</p> <p>23 Q. And what would you ask for?</p> <p>24 A. It would depend on what the</p>	<p>1 historical shipments, I'm asking about</p> <p>2 historical orders.</p> <p>3 A. We would have to ask the SAP</p> <p>4 team to go back into the history tables</p> <p>5 within SAP to pull the data.</p> <p>6 Q. Okay. Were you involved in</p> <p>7 the generation of Exhibit B?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: Yes. From</p> <p>11 what I remember, yes.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. And how did you go about</p> <p>14 preparing Exhibit B?</p> <p>15 Exhibit B would be the</p> <p>16 attachment to Exhibit-1 to your</p> <p>17 deposition.</p> <p>18 A. I would have to go back to</p> <p>19 the SAP team to pull the data.</p> <p>20 Q. Is that how you did it when</p> <p>21 you created Exhibit B?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 THE WITNESS: From what I</p>

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<p>1 remember, yes.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. Okay. Were you the liaison</p> <p>4 with the SAP team to create Exhibit B?</p> <p>5 A. Yes.</p> <p>6 Q. And so to the best of your</p> <p>7 memory, ma'am, does Exhibit B reflect,</p> <p>8 you know, with each row, the shipments of</p> <p>9 that day to that customer in the</p> <p>10 aggregate, for whatever orders composed</p> <p>11 that shipment?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. Or is each one an individual</p> <p>16 order?</p> <p>17 MR. LIMBACHER: Same</p> <p>18 objection.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 I would have to go back and</p> <p>21 research to determine exactly what</p> <p>22 was asked.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Okay. Let's kind of refocus</p>	<p>1 customer.</p> <p>2 Q. From Missouri?</p> <p>3 A. Yes.</p> <p>4 Q. And cleared after review?</p> <p>5 A. Correct.</p> <p>6 Q. Let's go to .31.</p> <p>7 MR. LIMBACHER: Sorry, Dave,</p> <p>8 did somebody join on the phone?</p> <p>9 Maybe somebody signed off.</p> <p>10 MR. COSGROVE: Yes, this is</p> <p>11 PJ Cosgrove, Ulmer Berne, for</p> <p>12 Gemini Laboratories in New York</p> <p>13 case.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. Let's go to .31. We're in</p> <p>16 Exhibit-1 to your deposition, Exhibit B,</p> <p>17 looking at the list of orders into --</p> <p>18 shipped into Missouri.</p> <p>19 Again, Endo customers,</p> <p>20 correct?</p> <p>21 A. Yes, correct.</p> <p>22 Q. They tripped the QSF wire,</p> <p>23 correct?</p> <p>24 MR. LIMBACHER: Object to</p>
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<p>1 on Exhibit-1, .29, top right corner.</p> <p>2 And with regard to these</p> <p>3 from the -- these shipments, the first</p> <p>4 line says, what is it, October 28, 2015,</p> <p>5 we agree that it tripped the wire with</p> <p>6 regard to your system and it was cleared</p> <p>7 after review, correct?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: I'm sorry,</p> <p>11 which page are you on again? 29?</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. I was on .29, I'm looking at</p> <p>14 the top right corner.</p> <p>15 A. Yes, cleared after review.</p> <p>16 Q. And so, too, with the rest</p> <p>17 on this page, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Still Missouri customers,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Let's go to .30.</p> <p>23 Endo customers?</p> <p>24 A. Yes. This is an Endo</p>	<p>1 form.</p> <p>2 THE WITNESS: They kicked</p> <p>3 out of our excessive program,</p> <p>4 correct.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. You said "excessive</p> <p>7 program," that was your SOM program?</p> <p>8 A. SOM program, sorry.</p> <p>9 Interchangeable.</p> <p>10 Q. Interchangeable to you?</p> <p>11 A. Yes.</p> <p>12 Q. And then an investigation</p> <p>13 was conducted, in each instance, in each</p> <p>14 row, cleared after review was the -- what</p> <p>15 was reported out to the ranking member on</p> <p>16 this one, correct?</p> <p>17 A. Yes.</p> <p>18 Q. All right. Let's go to .32.</p> <p>19 More of the same, ma'am?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Still Endo customers</p> <p>22 from Missouri?</p> <p>23 A. They are.</p> <p>24 Q. Tripped the wires?</p>

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<p style="text-align: right;">Page 154</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: They did. 4 BY MR. BUCHANAN: 5 Q. And I'm using that term, and 6 I just want to make sure, is that a fair 7 characterization -- 8 A. I would say they were kicked 9 out. 10 Q. Kicked out is what -- 11 A. They were pend, held. 12 Q. Okay. So the system was 13 kicking them out and you were putting 14 them back in? 15 MR. LIMBACHER: Object to 16 form. 17 THE WITNESS: No, they were 18 kicked out and they were reviewed. 19 And then they were released to 20 UPS, which, again, went through 21 UPS's SOM program before shipping. 22 BY MR. BUCHANAN: 23 Q. I wasn't trying to fuss with 24 you. You said just "kicked out."</p>	<p style="text-align: right;">Page 156</p> <p>1 form. 2 BY MR. BUCHANAN: 3 Q. "Your" being Endo, correct? 4 A. Yes. 5 Q. And when I say "your 6 algorithm," I mean, this was a corporate 7 system, SAP, correct? 8 A. The algorithm was in our SAP 9 system, that's correct. 10 Q. The SAP system is a kind of 11 corporate database maintained by Endo 12 corporate, correct? 13 A. It's our ERP system, yes. 14 Q. What does ERP mean? 15 A. I don't know. I don't know 16 off the top of my head. 17 Q. Is that how orders get 18 placed? 19 A. Yes. 20 Q. And this QSF system that was 21 talked about, that's not something that 22 was just -- that you created on your 23 local desktop using Excel or something, 24 right?</p>
<p style="text-align: right;">Page 155</p> <p>1 If they were kicked out, you 2 brought them back into the flow, right? 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: Kicked out was 6 the word you used, but -- so they 7 went through our SOM -- they went 8 through our SOM program, they were 9 held, they were reviewed, and then 10 they were released to UPS. 11 BY MR. BUCHANAN: 12 Q. Got you. 13 A. And once they got to UPS, 14 they went through UPS's SOM program -- 15 Q. Right. 16 A. -- before they were shipped. 17 MR. BUCHANAN: Move to 18 strike. 19 BY MR. BUCHANAN: 20 Q. I think we're on .32. 21 Again, all these orders, 22 ma'am, tripped one of the thresholds in 23 your algorithm, correct? 24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 157</p> <p>1 A. No. It's within the SAP 2 system. 3 Q. Okay. A system created by 4 the people in IT at Endo for the team's 5 use, correct? 6 MR. LIMBACHER: Object to 7 form. 8 THE WITNESS: Yes. 9 BY MR. BUCHANAN: 10 Q. Okay. And so it trips 11 whatever that algorithm said was unusual 12 quantity, size or frequency. 13 And then it was held, right? 14 A. Held for review, yes. 15 Q. And following your review, 16 ma'am, or your team's review, in each 17 instance on this page, .32, cleared after 18 review, correct? 19 A. Correct. And then released 20 to UPS. 21 Q. And then we go to .33. 22 More of the same, Missouri 23 customers of Endo, correct? 24 A. Yes.</p>

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<p style="text-align: right;">Page 158</p> <p>1 Q. Tripped the wires and held, 2 correct? 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: Correct. 6 BY MR. BUCHANAN: 7 Q. When the human beings got 8 their hands on the order, they were 9 cleared after review, correct? 10 MR. LIMBACHER: Object to 11 form. 12 THE WITNESS: After they 13 were reviewed, yes. 14 BY MR. BUCHANAN: 15 Q. Okay. So, too, on .34. 16 More Endo customers from 17 Missouri? 18 A. Yes. 19 Q. Tripped the wire in Endo's 20 suspicious order monitoring system, 21 correct? 22 MR. LIMBACHER: Object to 23 form. 24 THE WITNESS: Correct. And</p>	<p style="text-align: right;">Page 160</p> <p>1 Q. And these tripped the wire 2 in Endo's suspicious order system, 3 correct? 4 MR. LIMBACHER: Object to 5 form. 6 THE WITNESS: They were 7 reviewed. 8 BY MR. BUCHANAN: 9 Q. And then they were reviewed 10 by a human being, and the hold was lifted 11 and they were -- a delivery note was sent 12 to UPS, fair? 13 MR. LIMBACHER: Object to 14 form. 15 THE WITNESS: It was sent to 16 UPS, yes. 17 BY MR. BUCHANAN: 18 Q. And what's noted on the far 19 right is cleared after review, correct? 20 A. Correct. 21 Q. Okay. I just want to 22 understand. 23 After looking at Exhibit-1, 24 I think what's happening today, or at</p>
<p style="text-align: right;">Page 159</p> <p>1 then they were reviewed and sent 2 to UPS for shipping. 3 BY MR. BUCHANAN: 4 Q. Okay. And then the 5 conclusion of your team was cleared after 6 review in each instance of these, 7 correct? 8 A. Yes. 9 But as a reminder, once they 10 get to UPS, they go through UPS's SOM 11 program -- 12 MR. BUCHANAN: Move to 13 strike. 14 THE WITNESS: -- before they 15 are released for shipping. 16 MR. BUCHANAN: Move to 17 strike the nonresponsive portion. 18 BY MR. BUCHANAN: 19 Q. We're on to .35. And this 20 looks like the last of the orders just in 21 Missouri. 22 Again, Endo customers from 23 Missouri, correct? 24 A. Yes.</p>	<p style="text-align: right;">Page 161</p> <p>1 least in 2017, is it correct, ma'am, that 2 what was described in the response, in 3 Exhibit-1 to the Ranking Member 4 McCaskill, that that accurately reflects 5 what you're doing today? 6 MR. LIMBACHER: Object to 7 form. Did you want her to review 8 the first several pages of the 9 exhibit? 10 MR. BUCHANAN: I thought we 11 did. 12 BY MR. BUCHANAN: 13 Q. You have before you an 14 Exhibit-1, ma'am. 15 I think you told us part was 16 for the generic business, Qualitest and 17 Par, correct? 18 MR. LIMBACHER: I think you 19 told us that, but -- 20 THE WITNESS: Yes, the 21 beginning is for Par, our generics 22 division. 23 BY MR. BUCHANAN: 24 Q. And the second part is for</p>

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<p style="text-align: right;">Page 162</p> <p>1 the branded division, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And the part that's</p> <p>4 summarized in Exhibit-1 for the branded</p> <p>5 division, Endo, that's what the company</p> <p>6 is doing to this day, correct?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: Yes. Endo has</p> <p>10 an SOM program in place.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. And as reflected in</p> <p>13 Exhibit-1, that is what Endo's SOM</p> <p>14 program is today?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: We have an SOM</p> <p>18 program in place. Orders are</p> <p>19 reviewed, if they are pended or</p> <p>20 held or kicked out, whatever word</p> <p>21 you want to use.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. Is the branded arm of Endo</p> <p>24 reviewing IMS data concerning its</p>	<p style="text-align: right;">Page 164</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. How about Wolters Kluwer; do</p> <p>3 you use Wolters Kluwer data for anything?</p> <p>4 MR. LIMBACHER: Object to</p> <p>5 form.</p> <p>6 THE WITNESS: I can't speak</p> <p>7 to that. I don't know.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Do you conduct due diligence</p> <p>10 visits as part of your SOM program today?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. For branded?</p> <p>15 A. So our generic division,</p> <p>16 which has the same customers as our</p> <p>17 branded division, performed site visits</p> <p>18 for our customers and the branded</p> <p>19 division utilized that data.</p> <p>20 Q. When did you start doing</p> <p>21 that for branded, ma'am?</p> <p>22 A. Our generic division has</p> <p>23 always done site visits.</p> <p>24 Q. When did they start doing</p>
<p style="text-align: right;">Page 163</p> <p>1 products with regard to suspicious order</p> <p>2 evaluation?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form. Foundation.</p> <p>5 THE WITNESS: I can't speak</p> <p>6 to IMS data. That's not part of</p> <p>7 my responsibility.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Do you understand what IMS</p> <p>10 data is?</p> <p>11 A. I know what IMS data is,</p> <p>12 yes. But that's not part of my</p> <p>13 responsibility.</p> <p>14 Q. What is IMS data?</p> <p>15 A. It's prescription data for</p> <p>16 the products.</p> <p>17 Q. And you can see down to the</p> <p>18 prescriber level. You can also see at</p> <p>19 the pharmacy level.</p> <p>20 Are you aware of that?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: I know what</p> <p>24 IMS data is, yes.</p>	<p style="text-align: right;">Page 165</p> <p>1 that?</p> <p>2 A. I don't recall the actual</p> <p>3 date.</p> <p>4 Q. Do you have confidence they</p> <p>5 were doing that back in 2010?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form. Foundation.</p> <p>8 THE WITNESS: I can't -- I</p> <p>9 don't recall. I can't speak to</p> <p>10 that.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. If I understand your</p> <p>13 testimony, the branded arm of Endo, or</p> <p>14 Endo Pharmaceuticals, is relying on due</p> <p>15 diligence visits of Par?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form. Misstates her testimony.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. Is that right?</p> <p>20 A. The Par generics division</p> <p>21 did customer site visits, that's correct.</p> <p>22 And Endo has the same limited customer</p> <p>23 base and Par had the same customers.</p> <p>24 Actually, Par had more</p>

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<p style="text-align: right;">Page 166</p> <p>1 customers than Endo. 2 Q. And that's a good thing to 3 do? 4 MR. LIMBACHER: Object to 5 form. 6 BY MR. BUCHANAN: 7 Q. Site visits? 8 A. I can't really speak to 9 that. 10 Q. Well, you said -- 11 A. Par did it. Par -- yes, I 12 mean, it's important to do site visits. 13 Q. And it sounded like, from 14 your answer, that Endo was relying on 15 site visits that Qualitest or Par are 16 conducting as part of their process -- 17 MR. LIMBACHER: Object to 18 form. 19 BY MR. BUCHANAN: 20 Q. -- is that right? 21 A. I know that Par/Qualitest 22 did site visits of the customers, yes. 23 Q. But correct me if I'm 24 misunderstanding your testimony, ma'am.</p>	<p style="text-align: right;">Page 168</p> <p>1 Qualitest to be part of Endo's efforts to 2 prevent -- to combat diversion of its 3 branded products? 4 MR. LIMBACHER: Object to 5 form. 6 THE WITNESS: One thing that 7 is slightly different between 8 branded and generics is branded 9 has the same customer base. We 10 don't add new customers, as the 11 generic division may or may not 12 do. 13 So we have the same customer 14 base as our generic group. So we 15 partnered with our generic group, 16 and we used their site visits of 17 the branded customers, because 18 it's the same customer base. 19 The generics may have more. 20 We have a limited customer base, 21 and that's the same customer base 22 that our generics also have. 23 BY MR. BUCHANAN: 24 Q. Okay. So have you ever been</p>
<p style="text-align: right;">Page 167</p> <p>1 I thought you answered to me 2 that, when I asked do you conduct site 3 visits on branded, that you were relying 4 on site visits that Qualitest or Par 5 conducted? 6 A. Our generic -- 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: Our generic 10 division, yes, that's correct. 11 BY MR. BUCHANAN: 12 Q. So am I understanding your 13 testimony that you consider that part of 14 your efforts to combat diversion? 15 MR. LIMBACHER: Object to 16 form. 17 THE WITNESS: I don't know 18 how to answer that. 19 Could you say your question 20 again? 21 BY MR. BUCHANAN: 22 Q. So am I understanding your 23 testimony correctly that you consider 24 those due diligence visits of Par and</p>	<p style="text-align: right;">Page 169</p> <p>1 on a due diligence visit for one of 2 Endo's customers? 3 A. No. 4 Q. Have you ever been on a due 5 diligence visit for one of Endo's 6 customer's customers? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: No. Our 10 customer is the wholesaler. 11 BY MR. BUCHANAN: 12 Q. Do you recognize a 13 responsibility by Endo to know its 14 customers? 15 MR. LIMBACHER: Object to 16 form. 17 THE WITNESS: Yes. 18 BY MR. BUCHANAN: 19 Q. To ensure that its customers 20 are not engaging in -- withdrawn. 21 And to ensure that its 22 customers have good suspicious order 23 monitoring systems? 24 A. I know that our customers,</p>

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<p style="text-align: right;">Page 170</p> <p>1 the wholesalers, have an SOM program in</p> <p>2 place.</p> <p>3 Q. You're aware that they've</p> <p>4 gotten -- they've had some problems, some</p> <p>5 of your customers, true?</p> <p>6 A. I can't --</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: I can't speak</p> <p>10 to that.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. You're aware that some of</p> <p>13 Endo's customers had their registrations</p> <p>14 pulled?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: I can't speak</p> <p>18 to that.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. You don't have an awareness</p> <p>21 of that?</p> <p>22 A. I have an awareness, yes.</p> <p>23 But I don't have any details that I can</p> <p>24 provide.</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Okay. Well, as part of</p> <p>2 evaluating your customer's due diligence</p> <p>3 programs, did you collect them?</p> <p>4 A. No. But our customer is the</p> <p>5 wholesaler. Who they ship to is on them,</p> <p>6 not on Endo.</p> <p>7 Q. And the answer to my</p> <p>8 question, just so I'm clear, is no?</p> <p>9 You didn't collect them; is</p> <p>10 that correct?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 THE WITNESS: Did I collect</p> <p>14 what?</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. Did you collect the SOM</p> <p>17 programs and evaluate the SOM programs of</p> <p>18 Endo's customers?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: No, I did not.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. Okay.</p> <p>24 A. Our Qualitest group may</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. Well, did you attempt to</p> <p>2 ensure that the customers you were</p> <p>3 selling Endo's products to had good</p> <p>4 suspicious order monitoring practices?</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 THE WITNESS: I know that</p> <p>8 the wholesalers have SOM programs</p> <p>9 in place.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. And so please tell us about</p> <p>12 how you conducted your due diligence on</p> <p>13 that.</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form.</p> <p>16 THE WITNESS: We just know,</p> <p>17 just -- you know, our customers</p> <p>18 have told us that they have SOM</p> <p>19 programs in place.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Okay.</p> <p>22 A. I don't have the details of</p> <p>23 those programs. I just know that they</p> <p>24 have one in place.</p>	<p style="text-align: right;">Page 173</p> <p>1 have, as part of their site visits.</p> <p>2 Q. Do you have an awareness,</p> <p>3 sitting here today, as to what your</p> <p>4 customers' SOM program looks like that</p> <p>5 you were selling Endo-branded</p> <p>6 pharmaceuticals to?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: No, all I know</p> <p>10 is they have an SOM program in</p> <p>11 place.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Okay. And have you seen the</p> <p>14 SOM program for any of Endo's customers?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form. Asked and answered.</p> <p>17 THE WITNESS: No, I have</p> <p>18 not.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. And have you personally</p> <p>21 asked for it from any of Endo's</p> <p>22 customers?</p> <p>23 A. I know that our wholesalers</p> <p>24 have an SOM program in place.</p>

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<p style="text-align: right;">Page 174</p> <p>1 Q. I don't think you're</p> <p>2 following my question. Let me see if I</p> <p>3 can read it back.</p> <p>4 Have you personally asked</p> <p>5 for any of Endo's customers' SOM</p> <p>6 programs, ma'am?</p> <p>7 A. I can tell you that I know</p> <p>8 our wholesalers have an SOM program in</p> <p>9 place. I do not know any details behind</p> <p>10 that SOM program, but I know they have</p> <p>11 one in place.</p> <p>12 Q. My question is, have you</p> <p>13 ever asked for any of your</p> <p>14 wholesalers' --</p> <p>15 A. Not that I --</p> <p>16 Q. -- programs?</p> <p>17 A. Not that I recall.</p> <p>18 MR. LIMBACHER: We've been</p> <p>19 going about an hour, Dave, is this</p> <p>20 a good time to stop?</p> <p>21 MR. BUCHANAN: If you need</p> <p>22 it, it's fine.</p> <p>23 MR. LIMBACHER: Thank you.</p> <p>24 VIDEO TECHNICIAN: Going off</p>	<p style="text-align: right;">Page 176</p> <p>1 subsidiaries have implemented, including</p> <p>2 efforts to monitor, investigate or report</p> <p>3 suspicious transactions between its</p> <p>4 distributors and pharmacies and efforts</p> <p>5 to analyze information related to</p> <p>6 chargeback requests.</p> <p>7 Do you see that?</p> <p>8 A. Yes, I do.</p> <p>9 Q. Okay. There's a summary of</p> <p>10 Par's SOM program on the front page,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. And on the second page, we</p> <p>14 begin the characterization of Endo's SOM</p> <p>15 program.</p> <p>16 Do you see that?</p> <p>17 A. I do see that.</p> <p>18 Q. Okay. In regards to the</p> <p>19 request from Ranking Member McCaskill</p> <p>20 about chargeback information, I don't see</p> <p>21 any response with regard to what Endo</p> <p>22 does in that regard.</p> <p>23 Do you?</p> <p>24 MR. LIMBACHER: Object to</p>
<p style="text-align: right;">Page 175</p> <p>1 record. The time is 11:14.</p> <p>2 - - -</p> <p>3 (Whereupon, a brief recess</p> <p>4 was taken.)</p> <p>5 - - -</p> <p>6 VIDEO TECHNICIAN: We're</p> <p>7 going back on the record. This is</p> <p>8 the beginning of Media File Number</p> <p>9 3. The time is 11:33.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Ms. Walker, we're back on</p> <p>12 the record.</p> <p>13 You're still under oath.</p> <p>14 You understand that, correct?</p> <p>15 A. Yes, I do.</p> <p>16 Q. I want to take us back to</p> <p>17 your Exhibit-1. You have the report. It</p> <p>18 says, Attachment.</p> <p>19 With regard to Ranking</p> <p>20 Member McCaskill's July 26, 2017 letter,</p> <p>21 Endo provides the following response.</p> <p>22 We were talking about Item</p> <p>23 1, Please describe any suspicious order</p> <p>24 monitoring program Endo and its</p>	<p style="text-align: right;">Page 177</p> <p>1 form.</p> <p>2 THE WITNESS: No.</p> <p>3 Chargeback data is not listed</p> <p>4 under the Endo SOM program.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. So describe how Endo branded</p> <p>7 uses chargeback data in connection with</p> <p>8 its suspicious order monitoring program.</p> <p>9 A. Endo does not use the</p> <p>10 chargeback data with our SOM program.</p> <p>11 Q. It doesn't use it today?</p> <p>12 A. No, we do not.</p> <p>13 Q. Didn't use it, obviously, in</p> <p>14 2017 during the time of this, correct?</p> <p>15 A. That's correct. In the --</p> <p>16 Q. And didn't --</p> <p>17 MR. LIMBACHER: Sorry, were</p> <p>18 you finished in your answer?</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Did you use it in 2017?</p> <p>21 A. No, we did not.</p> <p>22 But I just wanted to point</p> <p>23 out, the reason for that is the branded</p> <p>24 opioid products are not on retail</p>

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<p style="text-align: right;">Page 178</p> <p>1 contracts, which is different from the</p> <p>2 generics division. So that's the reason</p> <p>3 why chargeback data was not utilized.</p> <p>4 Q. Does the company not have</p> <p>5 any chargeback agreements with any of its</p> <p>6 distributors for branded products?</p> <p>7 A. I can't speak to chargeback</p> <p>8 contracts, because that's not my area. I</p> <p>9 just know that the branded opioids are</p> <p>10 not on retail-type contracts like</p> <p>11 generics are. That's the only thing that</p> <p>12 I can -- that I can speak of.</p> <p>13 Q. Well, is it your testimony,</p> <p>14 ma'am, that the company does not have</p> <p>15 chargeback data for branded products?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: I can't</p> <p>19 confirm that. There may be some,</p> <p>20 but I know they're not on retail</p> <p>21 contracts. There may be -- I</p> <p>22 don't want to speculate, because</p> <p>23 it's not my area of</p> <p>24 responsibility. But there may be</p>	<p style="text-align: right;">Page 180</p> <p>1 example, if we charge the wholesaler \$10</p> <p>2 and then there's a retail contract for \$5</p> <p>3 and the wholesaler charges it for \$5 to</p> <p>4 XYZ retailer, the wholesaler charges us</p> <p>5 back the difference between \$10 and \$5.</p> <p>6 Q. And you're saying your</p> <p>7 relationships with the wholesalers did</p> <p>8 not permit them to do that with regard to</p> <p>9 branded products?</p> <p>10 A. No, that's not --</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form. Misstates her testimony.</p> <p>13 THE WITNESS: No, that's not</p> <p>14 what I'm saying.</p> <p>15 What I'm saying is, number</p> <p>16 one, chargebacks and contracts is</p> <p>17 not my responsibility. But from</p> <p>18 what I know, branded opioid</p> <p>19 products are not on any retail</p> <p>20 contract. So there would be no</p> <p>21 reason for the chargeback -- for</p> <p>22 the wholesalers to send us</p> <p>23 chargeback data if they're not on</p> <p>24 contract.</p>
<p style="text-align: right;">Page 179</p> <p>1 some government contracts where</p> <p>2 there are branded opioid products.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Do you know, in connection</p> <p>5 with your agreements with UPS over the</p> <p>6 years, there's been provisions with</p> <p>7 regard to chargeback data with regard to</p> <p>8 Endo?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: UPS --</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. And who is going to handle</p> <p>14 that responsibility?</p> <p>15 A. UPS does not handle any of</p> <p>16 our chargeback data. Because, again,</p> <p>17 retail contracts are not for branded</p> <p>18 opioid products. There are no retail</p> <p>19 contracts for that.</p> <p>20 Q. What is a chargeback, ma'am?</p> <p>21 A. You want me to explain what</p> <p>22 a chargeback is?</p> <p>23 Q. Sure.</p> <p>24 A. A chargeback is, for</p>	<p style="text-align: right;">Page 181</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. I'm just asking as a factual</p> <p>3 matter.</p> <p>4 Does the company have</p> <p>5 chargeback data with regard to its</p> <p>6 branded opioid products; yes or no?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form. Asked and answered.</p> <p>9 THE WITNESS: I can't</p> <p>10 confirm that. Like I said --</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. Do you know?</p> <p>13 A. I told you what I know. But</p> <p>14 I -- I know they're not on retail</p> <p>15 contracts, but I do not know -- I</p> <p>16 believe, but I do not know if they're on</p> <p>17 any government contracts. You have to</p> <p>18 speak to somebody else within the</p> <p>19 company.</p> <p>20 Q. So you disagree with others</p> <p>21 within Endo who state that the company</p> <p>22 has more chargeback data on branded</p> <p>23 products?</p> <p>24 MR. LIMBACHER: Object to</p>

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<p style="text-align: right;">Page 182</p> <p>1 form.</p> <p>2 THE WITNESS: I don't know</p> <p>3 what that -- I don't know who</p> <p>4 would say that. I can't confirm</p> <p>5 or deny that.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. You said you can't confirm</p> <p>8 or deny that.</p> <p>9 I mean, is this not your</p> <p>10 area, ma'am?</p> <p>11 A. It's not my area.</p> <p>12 Q. So let's now step back.</p> <p>13 Have you ever asked for</p> <p>14 chargeback data with regard to branded</p> <p>15 products?</p> <p>16 A. No, I have not.</p> <p>17 Q. Have you ever used</p> <p>18 chargeback data as part of a suspicious</p> <p>19 order monitoring protocol?</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. When you look at the</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. Feel free to read --</p> <p>2 MR. LIMBACHER: Do you want</p> <p>3 her to do that?</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Feel free to read the</p> <p>6 characterization of Endo's SOM process,</p> <p>7 ma'am.</p> <p>8 MR. LIMBACHER: So starting</p> <p>9 on the second page and going</p> <p>10 through to the fifth page, I</p> <p>11 believe.</p> <p>12 THE WITNESS: That's Par's.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. Have you had a chance to</p> <p>15 review it, ma'am?</p> <p>16 A. I have.</p> <p>17 Q. What answer did Endo provide</p> <p>18 to Ranking Member McCaskill with regard</p> <p>19 to its efforts to analyze chargeback</p> <p>20 requests on its branded products?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: It's not</p> <p>24 listed.</p>
<p style="text-align: right;">Page 183</p> <p>1 company's response to Senator McCaskill,</p> <p>2 would you agree with me that there's no</p> <p>3 statement in the response that the</p> <p>4 company doesn't use chargeback data for</p> <p>5 its branded products because the</p> <p>6 chargeback data for branded products</p> <p>7 would be of no use?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Would you agree it says</p> <p>12 nothing like that?</p> <p>13 MR. LIMBACHER: The document</p> <p>14 speaks for itself. If you want</p> <p>15 her to tell you what the document</p> <p>16 says --</p> <p>17 MR. BUCHANAN: I don't, I</p> <p>18 just want her to answer my</p> <p>19 question.</p> <p>20 MR. LIMBACHER: -- then</p> <p>21 you're going to have to give her</p> <p>22 the opportunity to read the entire</p> <p>23 document.</p> <p>24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 185</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Decided not to answer the</p> <p>3 request?</p> <p>4 MR. LIMBACHER: Object to</p> <p>5 form.</p> <p>6 THE WITNESS: I can't speak</p> <p>7 to that. I don't know. It's not</p> <p>8 listed.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. You reviewed this response</p> <p>11 before it went in, fair?</p> <p>12 A. Yes.</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. I'm assuming others within</p> <p>17 the organization reviewed it as well,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have an awareness of</p> <p>21 that?</p> <p>22 A. Yes. Yes, an awareness.</p> <p>23 Q. Folks in senior management</p> <p>24 reviewed it, to your knowledge?</p>

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<p>1 MR. LIMBACHER: Object to 2 form. 3 BY MR. BUCHANAN: 4 Q. Do you know? 5 A. I don't know. 6 Q. Okay. We can agree that the 7 company, in responding to this inquiry, 8 didn't state that it doesn't use 9 chargeback information because it would 10 be of no value with regard to branded 11 products, correct? 12 MR. LIMBACHER: Object to 13 form. The document speaks for 14 itself. 15 BY MR. BUCHANAN: 16 Q. We can agree it doesn't say 17 that? 18 A. After reading it, it does 19 not mention any chargeback data. 20 Q. We can agree it doesn't say 21 that the company doesn't have chargeback 22 data with regard to branded products, 23 correct? 24 MR. LIMBACHER: Object to</p>	<p>1 Q. You've had some role and 2 involvement with regard to chargebacks 3 over the years; isn't that true? 4 A. Years ago, yes. 5 Q. So the company does have 6 chargeback data on its branded products, 7 correct? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: Yes. 11 BY MR. BUCHANAN: 12 Q. And chargeback data provides 13 information at the retail level, correct? 14 A. From what I know of 15 chargeback data for branded opioid 16 products, there are no -- they are not on 17 retail contracts, so you would not have 18 any chargeback data for retail. 19 Q. Okay. Have you looked at 20 the chargeback data for branded opioid 21 products, ma'am? 22 MR. LIMBACHER: Object to 23 form. 24 THE WITNESS: Not recently,</p>
Page 187	Page 189
<p>1 form. 2 THE WITNESS: I don't think 3 it says that, it's just 4 chargebacks is just not listed. 5 BY MR. BUCHANAN: 6 Q. It says nothing? 7 A. Right. It doesn't say one 8 way or the other. It's just not listed. 9 Q. It ignores the request? 10 MR. LIMBACHER: Object to 11 form. 12 THE WITNESS: I -- it's not 13 listed. That's all I can tell 14 you. 15 BY MR. BUCHANAN: 16 Q. Well, the company did 17 provide something with regard to what 18 Qualitest was doing, right? 19 A. Yes. 20 Q. As part of your role and 21 function, or, I guess, as an employee of 22 Endo, do you complete periodic reviews of 23 your own performance, ma'am? 24 A. Yes. We do it every year.</p>	<p>1 no, because it's not my area of 2 responsibility. 3 BY MR. BUCHANAN: 4 Q. Have you examined chargeback 5 data for Endo's branded work to see 6 whether it has information at your 7 customers' customer level? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: No, I have 11 not. 12 BY MR. BUCHANAN: 13 Q. At any point in time, when 14 you've had a role or responsibility for 15 suspicious orders within suspicious order 16 monitoring within Endo, you haven't 17 considered chargeback data, true? 18 MR. LIMBACHER: Object to 19 form. 20 THE WITNESS: I had the 21 information that I needed to do my 22 job. 23 BY MR. BUCHANAN: 24 Q. Not my question, ma'am.</p>

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<p style="text-align: right;">Page 190</p> <p>1 Just as a factual matter, in</p> <p>2 doing your job, at any point in time did</p> <p>3 you consider chargeback data as part of</p> <p>4 the suspicious order monitoring function?</p> <p>5 A. No.</p> <p>6 Q. As part of your doing your</p> <p>7 job, did you ever consider IMS data as</p> <p>8 part of doing suspicious order</p> <p>9 monitoring?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: IMS is not</p> <p>13 part of my job responsibility.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. And you never considered it,</p> <p>16 then, certainly, as part of suspicious</p> <p>17 order monitoring, fair?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form.</p> <p>20 THE WITNESS: Not</p> <p>21 particularly in my role. But</p> <p>22 there may have been other people</p> <p>23 within Endo that has done</p> <p>24 something with that data. But not</p>	<p style="text-align: right;">Page 192</p> <p>1 fair?</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form.</p> <p>4 THE WITNESS: I had --</p> <p>5 MR. LIMBACHER: Misstates</p> <p>6 her testimony.</p> <p>7 THE WITNESS: I had the data</p> <p>8 that I needed to do my job.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Was that data IMS data,</p> <p>11 ma'am?</p> <p>12 A. There's other -- IMS data is</p> <p>13 not part of my responsibility.</p> <p>14 Q. Ma'am, just tell me, did you</p> <p>15 consider IMS data in connection with your</p> <p>16 role and function of monitoring</p> <p>17 suspicious orders for Endo; yes or no?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form. Asked and answered.</p> <p>20 THE WITNESS: I had the data</p> <p>21 that I needed to do my job. IMS</p> <p>22 data is within another area within</p> <p>23 Endo. There's other people that</p> <p>24 reviewed that data. I did not.</p>
<p style="text-align: right;">Page 191</p> <p>1 me.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. Within --</p> <p>4 A. And I can't speak to other</p> <p>5 roles within the company.</p> <p>6 Q. Within the suspicious order</p> <p>7 monitoring role or function of Endo</p> <p>8 branded products, to the best of your</p> <p>9 knowledge, IMS data has never been a</p> <p>10 component of that analysis, correct?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form. Foundation.</p> <p>13 THE WITNESS: I had enough</p> <p>14 data to do my job. The IMS data</p> <p>15 is part of another area of</p> <p>16 responsibility within Endo. They</p> <p>17 may have. I can't speak to it,</p> <p>18 but they may have done something</p> <p>19 with that.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. The answer to my question,</p> <p>22 then, would be, no, you didn't analyze</p> <p>23 IMS data as part of your role and</p> <p>24 function in suspicious order monitoring,</p>	<p style="text-align: right;">Page 193</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Did the other people within</p> <p>3 Endo review IMS data for suspicious order</p> <p>4 monitoring?</p> <p>5 A. I can't speak to that other</p> <p>6 area of responsibility. It's not my</p> <p>7 area.</p> <p>8 Q. To the best of your</p> <p>9 knowledge, sitting in this chair today,</p> <p>10 Endo did not consider IMS data as part of</p> <p>11 its suspicious order monitoring function,</p> <p>12 correct?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form and foundation.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. To the best of your</p> <p>17 knowledge. That's all we can get today,</p> <p>18 ma'am.</p> <p>19 A. And I'm going to tell you</p> <p>20 again, I had enough data -- I had the</p> <p>21 data to do my job. The IMS data was in</p> <p>22 another area of responsibility within</p> <p>23 Endo. What they did or did not do with</p> <p>24 that data, I cannot speak to.</p>

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<p style="text-align: right;">Page 194</p> <p>1 Q. At any point in time, did 2 Endo ask one of its customers, one of its 3 distributor or wholesaler customers, to 4 reduce its order size to account for 5 pharmacy customers or other customers of 6 concern? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: Not that I 10 recall. 11 BY MR. BUCHANAN: 12 Q. Are you familiar with the 13 phrase "know your customer's customer"? 14 A. Yes. 15 Q. What does that mean, or what 16 does that mean to you, ma'am? 17 A. Knowing who our customers 18 ship to. 19 Q. Knowing whether they have a 20 proper purpose, right? 21 MR. LIMBACHER: Object to 22 form. 23 THE WITNESS: Potentially, 24 yes.</p>	<p style="text-align: right;">Page 196</p> <p>1 BY MR. BUCHANAN: 2 Q. So if Qualitest was, in 3 fact, guiding distributor and wholesaler 4 customers at a point in time, let's say 5 2014, that they would have to reduce 6 their orders to account for certain 7 customers of concern, that would be news 8 to you sitting here today? 9 MR. LIMBACHER: Object to 10 form. 11 THE WITNESS: That's the 12 generic side of the business. 13 That's not branded. It's 14 different. 15 BY MR. BUCHANAN: 16 Q. Well, you had interactions 17 with the generic side of the business, 18 correct? 19 A. Yes, but not detail of what 20 they're shipping and not shipping, no. 21 Q. Are you saying you didn't 22 have visibility to Qualitest's SOM 23 program? 24 A. No, I did not.</p>
<p style="text-align: right;">Page 195</p> <p>1 BY MR. BUCHANAN: 2 Q. At any point in time, did 3 Endo guide its distributor or wholesaler 4 customers to reduce the size of its 5 orders to account for certain of their 6 customers engaged in suspicious 7 activities? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: Not that I 11 recall. 12 BY MR. BUCHANAN: 13 Q. Do you have an awareness, 14 ma'am, that Qualitest did that at some 15 point in time? 16 A. No. That's the generics 17 division, no. 18 Q. You didn't have visibility 19 to what the generic team was doing with 20 regard to their suspicious order 21 monitoring protocol? 22 MR. LIMBACHER: Object to 23 form. 24 THE WITNESS: No.</p>	<p style="text-align: right;">Page 197</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: Sorry. 4 MR. LIMBACHER: Asked and 5 answered. 6 BY MR. BUCHANAN: 7 Q. To be clear, Qualitest and 8 Par, as the name changed, report to the 9 same corporate parent that Endo 10 Pharmaceuticals did, correct? 11 MR. LIMBACHER: Object to 12 form. 13 THE WITNESS: Yes. 14 BY MR. BUCHANAN: 15 Q. You did not think it would 16 be of interest as to what your peer 17 company, owned by the same parent, was 18 doing with regard to suspicious order 19 monitoring? 20 MR. LIMBACHER: Object to 21 form. 22 THE WITNESS: That was not 23 part of my responsibility. We 24 also have two different ERP</p>

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<p style="text-align: right;">Page 198</p> <p>1 systems. So no.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. Let's look at the document</p> <p>4 we've been looking at, Exhibit-1.</p> <p>5 669.2 is the page reference</p> <p>6 at the top right. It's Exhibit-1. To</p> <p>7 further supplement Par's SOM compliance</p> <p>8 efforts, Par's DEA compliance team</p> <p>9 reviews available chargeback data twice</p> <p>10 per year. Chargebacks provide</p> <p>11 transactional data of Par NDC numbers at</p> <p>12 the pharmacy level. The chargeback</p> <p>13 information for secondary customer</p> <p>14 purchases is compared [REDACTED]</p> <p>15 [REDACTED] If chargeback information</p> <p>16 indicates a customer facility of</p> <p>17 interest, Par follows these general</p> <p>18 guidelines.</p> <p>19 And then it continues.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. First, you saw this,</p> <p>23 obviously, in 2017, correct?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 200</p> <p>1 does?</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form.</p> <p>4 THE WITNESS: I can't speak</p> <p>5 to that.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. Do you think it's a</p> <p>8 reasonable thing to do?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: I can't speak</p> <p>12 to that. I don't manage the</p> <p>13 generics.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. If you were told to do that,</p> <p>16 you certainly should do it, right?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 THE WITNESS: I don't manage</p> <p>20 the generics.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. Would you agree that if you</p> <p>23 were told by the DEA to do it, you should</p> <p>24 do it?</p>
<p style="text-align: right;">Page 199</p> <p>1 Q. The company is not -- "the</p> <p>2 company" being the one that you're</p> <p>3 employed by, Endo Pharmaceuticals, has</p> <p>4 not changed its SOM program since 2017,</p> <p>5 correct?</p> <p>6 A. No, we have not changed it.</p> <p>7 Q. Okay. Do you agree that</p> <p>8 chargebacks provide transactional data of</p> <p>9 Par NDC numbers at the pharmacy level?</p> <p>10 A. I can't speak to what Par</p> <p>11 does and does not do. I don't know their</p> <p>12 systems.</p> <p>13 Q. Do you agree, as a general</p> <p>14 matter, chargebacks provide transactional</p> <p>15 data of NDC numbers at the pharmacy</p> <p>16 level?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Do you agree that it's</p> <p>22 reasonable to compare chargeback</p> <p>23 information for secondary customer</p> <p>24 purchases to [REDACTED] as Par</p>	<p style="text-align: right;">Page 201</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 THE WITNESS: If chargeback</p> <p>4 data was available.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. Okay. It then notes that</p> <p>7 various -- Exhibit-1, on Page 2, then</p> <p>8 notes various things that can be done in</p> <p>9 result of review of chargeback data.</p> <p>10 Do you see that, ma'am?</p> <p>11 A. Yes.</p> <p>12 Q. Including chargebacks being</p> <p>13 denied for lack of information or</p> <p>14 inadequate information.</p> <p>15 Do you see that? Second</p> <p>16 bullet.</p> <p>17 A. I see the second bullet.</p> <p>18 Q. The customer of Par can then</p> <p>19 be notified and asked for due diligence</p> <p>20 information on secondary customers,</p> <p>21 correct?</p> <p>22 A. I see it listed here, yes.</p> <p>23 Q. And then the third bullet is</p> <p>24 what, ma'am?</p>

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<p style="text-align: right;">Page 202</p> <p>1 A. Par's customers can be asked 2 to stop distributing the Par item in 3 question to that secondary customer, and 4 the secondary customer can be reported to 5 the DEA as a potentially suspicious 6 customer. 7 Q. In your view, ma'am, is that 8 a reasonable due diligence measure? 9 MR. LIMBACHER: Object to 10 form. 11 THE WITNESS: This is the 12 generics. I can't speak to the 13 generics. This is -- you are 14 speaking about generic product. I 15 can't speak to the generics. 16 BY MR. BUCHANAN: 17 Q. You have responsibility for 18 branded? 19 A. Correct. Branded. 20 Q. Okay. At what point in 21 time, ma'am, did you ask for chargeback 22 data on branded? 23 MR. LIMBACHER: Object to 24 form.</p>	<p style="text-align: right;">Page 204</p> <p>1 ask for data that you don't have? 2 BY MR. BUCHANAN: 3 Q. Would it surprise you, 4 ma'am, if there was chargeback data at 5 the pharmacy level for branded? 6 MR. LIMBACHER: Object to 7 form. 8 THE WITNESS: From what I 9 know, the chargeback data -- 10 BY MR. BUCHANAN: 11 Q. Would that surprise you? 12 A. It probably would. 13 MR. LIMBACHER: Let her 14 finish her answer, please. 15 BY MR. BUCHANAN: 16 Q. Okay. 17 A. But from what I know, the 18 chargeback data that we have for opioids 19 is related to the government contracts. 20 Again, contracts are not my area of 21 expertise, but that's my general 22 knowledge. 23 Q. Okay. And just to get an 24 answer to my question, it would surprise</p>
<p style="text-align: right;">Page 203</p> <p>1 BY MR. BUCHANAN: 2 Q. Just I want to know 3 factually, at what point in time did you 4 ask for it? 5 A. So I'm going to try to 6 explain this one more time. 7 The branded and generic 8 products are different entities. There 9 are no -- from my knowledge and what I 10 know, there are no branded contract -- 11 retail contracts, which means you do not 12 have chargeback data for the branded 13 opioid products. So you can't ask for 14 data that you do not have. 15 Q. Do you remember my question? 16 A. And I believe I answered it. 17 Q. Factually, at what point in 18 time did you inquire about the use of 19 chargeback data? Just let me know when 20 you did. 21 A. How can you ask -- 22 MR. LIMBACHER: Object to 23 form. 24 THE WITNESS: How can you</p>	<p style="text-align: right;">Page 205</p> <p>1 you if the company had chargeback data 2 for branded opioids at the pharmacy 3 level, correct? 4 MR. LIMBACHER: Object to 5 form. 6 THE WITNESS: Yes. 7 BY MR. BUCHANAN: 8 Q. And we can agree that when 9 the company was responding to the Senate 10 inquiry here in 2017, it said nothing 11 about its ability or inability to get 12 chargeback data on its branded products, 13 correct? 14 MR. LIMBACHER: Object to 15 form. Asked and answered. 16 THE WITNESS: Yes, that's 17 not listed in the document. 18 BY MR. BUCHANAN: 19 Q. Okay. You spent some time 20 in discussing with me -- or we spent some 21 time together talking about Exhibit-1, 22 with regard to what Endo was doing in 23 2017 with regard to suspicious order 24 management.</p>

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<p style="text-align: right;">Page 206</p> <p>1 Do you recall that</p> <p>2 discussion last hour?</p> <p>3 A. Yes.</p> <p>4 Q. It would be fair that prior</p> <p>5 to 2014, Endo had a limited SOM program,</p> <p>6 correct?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: We had an SOM</p> <p>10 program in place. We did, yes.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. It was a limited program?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 THE WITNESS: We had a</p> <p>16 program in place, and it changed</p> <p>17 in 2014.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. It was a limited program?</p> <p>20 Are you hearing that word when I ask the</p> <p>21 question?</p> <p>22 A. Yes, I hear it. But what</p> <p>23 I'm answering your question is we had an</p> <p>24 SOM program in place. And it changed in</p>	<p style="text-align: right;">Page 208</p> <p>1 it was upgraded in 2014.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. By your definition of</p> <p>4 limited, ma'am, was it a limited program?</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 THE WITNESS: We had one in</p> <p>8 place. We can go round and round</p> <p>9 about this. But we had one in</p> <p>10 place.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. Okay.</p> <p>13 MR. BUCHANAN: Can I please</p> <p>14 have 596 as next in order? I</p> <p>15 think we're up to only Exhibit-2.</p> <p>16 MR. SIEGEL: Walker-2.</p> <p>17 - - -</p> <p>18 (Whereupon, EndoWalker</p> <p>19 Exhibit-2, EPI000620553-554, was</p> <p>20 marked for identification.)</p> <p>21 - - -</p> <p>22 MR. BUCHANAN: We'll get a</p> <p>23 copy over to you. It's on your</p> <p>24 screen while we're getting it to</p>
<p style="text-align: right;">Page 207</p> <p>1 2014.</p> <p>2 Q. Was it limited prior to</p> <p>3 2014, ma'am?</p> <p>4 MR. LIMBACHER: Object to</p> <p>5 form.</p> <p>6 THE WITNESS: We had an SOM</p> <p>7 program in place.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. I'm aware that you did.</p> <p>10 I'm asking you --</p> <p>11 A. I'm glad.</p> <p>12 Q. -- to characterize it.</p> <p>13 Was it limited prior to</p> <p>14 2014?</p> <p>15 A. It depends on what your</p> <p>16 definition of "limited" is. But we had a</p> <p>17 program in place.</p> <p>18 Q. How about by your</p> <p>19 definition, was it limited?</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 THE WITNESS: We had a</p> <p>23 program in place and it changed</p> <p>24 and it was -- it was changed and</p>	<p style="text-align: right;">Page 209</p> <p>1 you.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. You're obviously an Endo</p> <p>4 employee between '98 and present,</p> <p>5 correct, ma'am?</p> <p>6 A. Yes.</p> <p>7 Q. Who is Mark Collins?</p> <p>8 MR. LIMBACHER: Hold on.</p> <p>9 Can we get the exhibit in front of</p> <p>10 her, and then you can start asking</p> <p>11 her questions?</p> <p>12 MR. BUCHANAN: Fair enough.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. Who is Mark Collins, ma'am?</p> <p>15 A. He worked at Endo.</p> <p>16 Q. And what's his job?</p> <p>17 A. I don't know exactly what</p> <p>18 his job title was, but he was in the REMS</p> <p>19 division, the REMS group.</p> <p>20 Q. What's REMS?</p> <p>21 A. Risk -- some type of risk</p> <p>22 management.</p> <p>23 Q. He's in the risk management</p> <p>24 group at Endo Pharmaceuticals?</p>

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<p style="text-align: right;">Page 210</p> <p>1 A. I believe so.</p> <p>2 Q. So on the branded side,</p> <p>3 fair?</p> <p>4 A. Uh-huh.</p> <p>5 Q. So he reaches out to you</p> <p>6 here in, what's this, October 2013,</p> <p>7 right?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Is that a yes answer, ma'am?</p> <p>10 A. Yes. Sorry.</p> <p>11 Q. Sorry, I understood it, but</p> <p>12 the transcript might not.</p> <p>13 A. My apologies.</p> <p>14 Q. All right. So this is</p> <p>15 October 2013.</p> <p>16 You understood, in 2013, on</p> <p>17 the generics side of the business, they</p> <p>18 had a sit-down with the DEA.</p> <p>19 Do you recall that?</p> <p>20 A. I know of that, yes.</p> <p>21 Q. And they said there were</p> <p>22 gaps in the company's suspicious order</p> <p>23 monitoring practices.</p> <p>24 Do you recall that?</p>	<p style="text-align: right;">Page 212</p> <p>1 A. I don't recall the details.</p> <p>2 Q. Okay. So you got this</p> <p>3 outreach. And we'll start at the bottom,</p> <p>4 I think that's probably the best way to</p> <p>5 read the e-mail.</p> <p>6 Monday, October 28th, 2013.</p> <p>7 And Mark Collins is asking you -- and</p> <p>8 this would have been, to your</p> <p>9 understanding, after the DEA meeting?</p> <p>10 A. I don't know when the DEA</p> <p>11 meeting was.</p> <p>12 Q. Okay. I'll represent to you</p> <p>13 it was in March of 2013.</p> <p>14 A. Okay.</p> <p>15 Q. Okay. So just looking at</p> <p>16 our calendar, at least the document, we</p> <p>17 know this is about six months after that</p> <p>18 meeting, correct?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Okay. So you get an</p> <p>21 outreach from Mark. He wants to know</p> <p>22 what data streams you have that can</p> <p>23 provide insight into suspicious ordering</p> <p>24 activities, right?</p>
<p style="text-align: right;">Page 211</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 THE WITNESS: All I know is</p> <p>4 that there was a meeting. I don't</p> <p>5 know the details of that meeting.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. And DEA provided guidance as</p> <p>8 to what an appropriate suspicious order</p> <p>9 management program looked like.</p> <p>10 Are you aware of that?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 THE WITNESS: Again, I know</p> <p>14 of a meeting, I don't know the</p> <p>15 details of that meeting.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. Well, did the branded folks,</p> <p>18 to your recollection, share with you what</p> <p>19 the DEA -- excuse me, withdrawn.</p> <p>20 Did the generic folks, the</p> <p>21 Qualitest team or management of Endo,</p> <p>22 share with you what the DEA said you had</p> <p>23 to be doing as part of a good suspicious</p> <p>24 order monitoring program?</p>	<p style="text-align: right;">Page 213</p> <p>1 A. Yes.</p> <p>2 Q. So, Opana ER, I mean, first</p> <p>3 comes to market when?</p> <p>4 A. Some time in 2006, if I</p> <p>5 remember the year.</p> <p>6 Q. Okay. So some time in 2006,</p> <p>7 Opana risk -- Opana ER enters the market,</p> <p>8 and there's a reformulation that occurs</p> <p>9 and it's released in, what is that, 2012?</p> <p>10 A. I don't know the dates off</p> <p>11 the top of my head.</p> <p>12 Q. This could get confusing in</p> <p>13 the deposition because I think the</p> <p>14 company kept the same name, Opana ER.</p> <p>15 What do you -- what did you</p> <p>16 used to call it within the company, the</p> <p>17 newer version of Opana ER?</p> <p>18 A. We've always just called</p> <p>19 it -- I've always just called it Opana</p> <p>20 ER.</p> <p>21 Q. Do you have an</p> <p>22 understanding, ma'am, that the drug was</p> <p>23 reformulated at a point in time?</p> <p>24 A. Yes. I can't tell you the</p>

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<p style="text-align: right;">Page 214</p> <p>1 exact dates, but, yes.</p> <p>2 Q. That's fine. I just want to</p> <p>3 make sure we're communicating clearly.</p> <p>4 Would it be fair for me to</p> <p>5 call it the reformulated Opana ER if we</p> <p>6 have to be specific about something, and</p> <p>7 would you understand what I'm talking</p> <p>8 about?</p> <p>9 A. That's fine.</p> <p>10 Q. So Opana ER is brought to</p> <p>11 market, as you said, in 2006.</p> <p>12 And you're getting an</p> <p>13 outreach here, seven years later, from</p> <p>14 Mr. Collins looking for data streams that</p> <p>15 could provide insight into suspicious</p> <p>16 ordering activities.</p> <p>17 Do you see that?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form. Asked and answered.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. Okay. And then you respond</p> <p>23 and seem to attach something, an SOM</p> <p>24 white paper, by way of summary.</p>	<p style="text-align: right;">Page 216</p> <p>1 THE WITNESS: -- program in</p> <p>2 place, we did, yes.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Okay. And the excessive</p> <p>5 program, as you characterized it in your</p> <p>6 writing, was a limited SOM program,</p> <p>7 correct?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form. Asked and answered.</p> <p>10 THE WITNESS: We had one in</p> <p>11 place, yes.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. You had a limited SOM</p> <p>14 program in place?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form. Asked and answered.</p> <p>17 THE WITNESS: We had an SOM</p> <p>18 program in place, yes.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. You're fussing with what you</p> <p>21 wrote before?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form. Argumentative.</p> <p>24 The document speaks for</p>
<p style="text-align: right;">Page 215</p> <p>1 And then you also provide a</p> <p>2 text response as well, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And your response to him is</p> <p>5 that, In Endo's SAP system, we have a</p> <p>6 limited SOM program.</p> <p>7 Let's pause there for a</p> <p>8 moment.</p> <p>9 Your words, limited program,</p> <p>10 correct?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 THE WITNESS: Yes. But we</p> <p>14 had an SOM program in place. And</p> <p>15 at this time, we also -- you got</p> <p>16 to remember, we also had UPS as</p> <p>17 well.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. Okay. And your words for</p> <p>20 Endo's SOM program, as of October 2013,</p> <p>21 is it was a limited program, correct?</p> <p>22 A. We had an excessive --</p> <p>23 MR. LIMBACHER: Object to</p> <p>24 form.</p>	<p style="text-align: right;">Page 217</p> <p>1 itself, counsel.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. I'm just wondering, do you</p> <p>4 have a problem with what you wrote in</p> <p>5 2013?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form. Argumentative.</p> <p>8 THE WITNESS: We had an SOM</p> <p>9 program in place.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. And the way you</p> <p>12 characterized that in your response to</p> <p>13 Mr. Collins, October 28th -- 29th, 2013</p> <p>14 is you have a limited SOM program,</p> <p>15 correct?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: We have an SOM</p> <p>19 program in place.</p> <p>20 And as I stated here, if you</p> <p>21 keep reading my paragraph, that we</p> <p>22 utilized UPS, who has -- who has</p> <p>23 an SOM program in place. And all</p> <p>24 of our products are shipped under</p>

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<p style="text-align: right;">Page 218</p> <p>1 UPS's DEA license. 2 So as I explained it here. 3 BY MR. BUCHANAN: 4 Q. That's fine. 5 And in terms of 6 characterizing Endo's SOP program, you 7 characterized it as a limited -- excuse 8 me, in terms of characterizing Endo's SOM 9 program, you characterized it as a 10 limited program in 2013, fair? 11 MR. LIMBACHER: Object to 12 form. 13 BY MR. BUCHANAN: 14 Q. That's what you wrote? 15 A. Okay. But -- yes. 16 Q. Thank you. 17 A. And we have an SOM program 18 in place. And we also utilized UPS's SOM 19 program in place, which is also written 20 here. And the document was provided to 21 Mark about their SOM program. 22 Q. At this point in time, in 23 2013, would you have been the person in 24 charge of Endo's SOM program, ma'am?</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. You're not the only one who 2 has characterized Endo's SOM program as 3 limited, are you? 4 MR. LIMBACHER: Object to 5 form. 6 THE WITNESS: I can't speak 7 to how other people describe it. 8 BY MR. BUCHANAN: 9 Q. Okay. 10 MR. BUCHANAN: Can I have 11 603, please? 12 MR. SIEGEL: Walker-3. 13 MR. BUCHANAN: Actually, 14 Scott, before we do that, I have 15 another document. Don't put the 16 sticky on. 17 Thank you. Can I have 679 18 as Walker-3? 19 MR. SIEGEL: Walker-3. 20 MR. BUCHANAN: Do we have 21 this one in redacted form, please? 22 Can we put the redacted version 23 up, please? Take it off the 24 screen.</p>
<p style="text-align: right;">Page 219</p> <p>1 A. It fell under my 2 responsibilities, yes. 3 Q. Okay. And then you describe 4 essentially what your SOM program is, 5 this limited SOM program. 6 And it looks at buying -- at 7 your buying, in parens, wholesaler's 8 customers' three-month and twelve-month 9 history. And if any order is above the 10 three- or twelve-month, it goes on hold 11 until it is reviewed by customer service. 12 Let's pause for a moment. 13 Was that accurate? Was that 14 an accurate statement of your program as 15 of October 29, 2013? 16 A. Yes. 17 Q. Okay. Once the orders were 18 released from the system, they were sent 19 to the warehouse for processing. 20 However, before they are released to 21 ship, they are reviewed by UPS Supply 22 Chain Solutions. 23 Did I read that correctly? 24 A. Yes.</p>	<p style="text-align: right;">Page 221</p> <p>1 We received a notice last 2 night of a document with one 3 sentence, I think, you wanted 4 redacted. I was told you were 5 going to produce a redacted 6 version today. I just drew a 7 black line over the -- what was 8 indicated as the portion you 9 wanted redacted. 10 Before we display it on the 11 screen, I'd like counsel to see 12 it. 13 MR. TOLIN: Thank you. 14 MR. BUCHANAN: If you have 15 what is going to be produced as 16 the redacted version, I'd be happy 17 to work with it. 18 MR. LIMBACHER: Thank you. 19 Let me see. 20 MR. TOLIN: Let me make sure 21 it's a duplicate document. 22 It looks like part of the 23 e-mail chain, including the part 24 that was clawed back and redacted,</p>

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<p>1 is included as part of the</p> <p>2 document that you had marked.</p> <p>3 So the document that I have</p> <p>4 here is not as inclusive, in terms</p> <p>5 of --</p> <p>6 MR. BUCHANAN: Can I see the</p> <p>7 one that you've --</p> <p>8 MR. TOLIN: Yes. Maybe you</p> <p>9 can just use that one. Sorry.</p> <p>10 MR. BUCHANAN: That's fine.</p> <p>11 I believe it's fine. Let me look</p> <p>12 at it.</p> <p>13 MS. RAKHLIN: It's a</p> <p>14 different version.</p> <p>15 MR. BUCHANAN: It's a</p> <p>16 different document.</p> <p>17 Counsel, if you can just</p> <p>18 look at the portion that's been</p> <p>19 redacted and confirm that you have</p> <p>20 no objection to the document's</p> <p>21 use.</p> <p>22 MR. LIMBACHER: Can we take</p> <p>23 a short break?</p> <p>24 MR. BUCHANAN: That's fine.</p>	<p>1 been redacted. Can you hold it</p> <p>2 up, please?</p> <p>3 - - -</p> <p>4 (Whereupon, a discussion off</p> <p>5 the record occurred.)</p> <p>6 - - -</p> <p>7 BY MR. BUCHANAN:</p> <p>8 Q. Ms. Walker, this is an</p> <p>9 e-mail from you to Mr. Collins and Mr.</p> <p>10 O'Brien in early 2015.</p> <p>11 Mr. Collins is that same</p> <p>12 person you were talking about a moment</p> <p>13 ago?</p> <p>14 A. Yes.</p> <p>15 Q. Kevin O'Brien, who is he?</p> <p>16 A. He was my boss at the time.</p> <p>17 Q. And what was his role and</p> <p>18 function within Endo?</p> <p>19 A. I don't know exactly what</p> <p>20 his title was, but I reported in to him.</p> <p>21 Q. Effectively, what was his</p> <p>22 function?</p> <p>23 A. I think he was over multiple</p> <p>24 different groups within Endo, including</p>
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<p>1 VIDEO TECHNICIAN: Going off</p> <p>2 the record. The time is 12:08.</p> <p>3 - - -</p> <p>4 (Whereupon, a brief recess</p> <p>5 was taken.)</p> <p>6 - - -</p> <p>7 VIDEO TECHNICIAN: Going</p> <p>8 back on the record. This is the</p> <p>9 beginning of Media File Number 4.</p> <p>10 The time is 12:11.</p> <p>11 - - -</p> <p>12 (Whereupon, EndoWalker</p> <p>13 Exhibit-3,</p> <p>14 ENDO_OPIOID_MDL_05948286-292, was</p> <p>15 marked for identification.)</p> <p>16 - - -</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Ms. Walker, we've passed you</p> <p>19 Exhibit-3 to your deposition. It's an</p> <p>20 e-mail chain from early 2015.</p> <p>21 MR. BUCHANAN: On the</p> <p>22 screen, please, could you take</p> <p>23 that down. What we need to do</p> <p>24 is -- can I see the version that's</p>	<p>1 myself.</p> <p>2 Q. Mr. Collins reaches out to</p> <p>3 you.</p> <p>4 Again, you understand he was</p> <p>5 in risk management for the company?</p> <p>6 A. Yes.</p> <p>7 Q. And asks you for an overview</p> <p>8 of Endo's SOM program, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And you provide that back to</p> <p>11 him?</p> <p>12 A. Yes.</p> <p>13 Q. So we see on the attachment</p> <p>14 on the next page, please, 679.2,</p> <p>15 suspicious order monitoring summary SOM</p> <p>16 process flow.</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And then current</p> <p>20 process.</p> <p>21 Do you see the colon there?</p> <p>22 A. Yes.</p> <p>23 Q. And the current process,</p> <p>24 first bullet, what did you write, ma'am?</p>

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<p style="text-align: right;">Page 226</p> <p>1 A. Limited SOM program in the 2 current SAP system. 3 Q. Okay. And this was not only 4 your summary, ma'am, this was a summary 5 that had been, if we go to the first page 6 again, approved by legal and Brian 7 Lortie, correct? 8 A. That's correct. 9 Q. So this was the company's 10 assessment of its current process as of 11 January 2015, correct, ma'am? 12 MR. LIMBACHER: Object to 13 form. 14 THE WITNESS: Yes. 15 BY MR. BUCHANAN: 16 Q. Not just Ms. Walker, but the 17 company, this has been reviewed through 18 the various channels of review before it 19 went to Mr. Collins, correct? 20 MR. LIMBACHER: Object to 21 form. Foundation. 22 THE WITNESS: This was the 23 new SOM program we put in place in 24 May of 2014.</p>	<p style="text-align: right;">Page 228</p> <p>1 640, please? 2 BY MR. BUCHANAN: 3 Q. In the mid 2000s, ma'am, 4 you're aware that concerns were expressed 5 about abuse, diversion, deaths, 6 overdoses, with regard to opioid 7 products, fair? 8 A. I knew there was -- 9 MR. LIMBACHER: Object to 10 form. 11 THE WITNESS: I knew there 12 was concern about opioids, yes. 13 BY MR. BUCHANAN: 14 Q. You knew that you operated 15 within that closed system of opioid 16 manufacture, distribution and sale? 17 MR. LIMBACHER: Object to 18 form. 19 THE WITNESS: I knew that we 20 had opioids, yes. 21 BY MR. BUCHANAN: 22 Q. Did you appreciate, ma'am, 23 that before you could be engaged in the 24 manufacture, distribution and sale of</p>
<p style="text-align: right;">Page 227</p> <p>1 BY MR. BUCHANAN: 2 Q. And my question was, this 3 document that you forwarded along had 4 been reviewed by those in legal to sign 5 off on before you forwarded it to Mr. 6 Collins and Mr. O'Brien, correct? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: It was 10 reviewed by legal, yes. 11 BY MR. BUCHANAN: 12 Q. Thank you. You can set that 13 aside. 14 Am I correct, based on your 15 summary of your role and 16 responsibilities, that in 2007 and 2008, 17 you also had responsibility for 18 suspicious order monitoring? 19 A. Sorry, time frame again? 20 Q. 2007, 2008. 21 A. It was part of my 22 responsibility. 23 Q. Okay. 24 MR. BUCHANAN: Can I have</p>	<p style="text-align: right;">Page 229</p> <p>1 opioids, you had to be a registrant? 2 MR. LIMBACHER: Object to 3 form. 4 BY MR. BUCHANAN: 5 Q. Are you aware of that? 6 A. I know that the Endo Malvern 7 site does not have a DEA license, because 8 we don't have product there. 9 But, yes, I do know that 10 people have to be registered. 11 Q. Okay. To manufacture, to 12 sell, to distribute, you've got to be a 13 registrant, fair? 14 MR. LIMBACHER: Object to 15 form. Foundation. 16 THE WITNESS: To distribute 17 and manufacture, yes. 18 BY MR. BUCHANAN: 19 Q. Is it your understanding, 20 ma'am, that Endo did not need a 21 registration with the DEA to do the 22 business it did? 23 MR. LIMBACHER: Object to 24 form. Foundation.</p>

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<p style="text-align: right;">Page 230</p> <p>1 THE WITNESS: The Endo</p> <p>2 Malvern site did not need one,</p> <p>3 because there are no products at</p> <p>4 that site.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. Did Endo need a</p> <p>7 registration, to your understanding --</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form and foundation.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. -- to engage in its business</p> <p>12 as a manufacturer of opioids?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form and foundation. Misstates</p> <p>15 prior testimony.</p> <p>16 THE WITNESS: I'm not in</p> <p>17 regulatory. You would have to</p> <p>18 speak to them about that.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Did you have an</p> <p>21 understanding, ma'am, that to be making,</p> <p>22 marketing, talking about your opioid</p> <p>23 products that you had to have a</p> <p>24 registration?</p>	<p style="text-align: right;">Page 232</p> <p>1 THE WITNESS: I cannot</p> <p>2 recall if UPS asked for our</p> <p>3 license.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. You don't recall ever having</p> <p>6 to provide your registration to UPS --</p> <p>7 A. I am not --</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form and foundation.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. -- as --</p> <p>12 A. I'm not in regulatory. I</p> <p>13 can't speak to Endo's, if we did or did</p> <p>14 not have a DEA registration.</p> <p>15 I can only speak to the fact</p> <p>16 that UPS had one because they did the</p> <p>17 distribution.</p> <p>18 Q. I'm just trying to</p> <p>19 understand.</p> <p>20 From your perspective,</p> <p>21 ma'am, is it your belief that you could</p> <p>22 operate in this closed system of opioid</p> <p>23 manufacture, distribution and sale</p> <p>24 without having a registration?</p>
<p style="text-align: right;">Page 231</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form and foundation. Asked and</p> <p>3 answered.</p> <p>4 THE WITNESS: I know that</p> <p>5 the site that would make product</p> <p>6 or the site that would distribute</p> <p>7 product needed a DEA license.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Were you ever asked by any</p> <p>10 of your customers for your DEA</p> <p>11 registrations for purposes of your role</p> <p>12 and function in this closed system of</p> <p>13 opioid distribution?</p> <p>14 A. When our customers ask for</p> <p>15 Endo's DEA license, UPS Supply Chain</p> <p>16 Solutions' DEA license is provided,</p> <p>17 because all of Endo products are shipped</p> <p>18 under UPS's license.</p> <p>19 Q. As a manufacturer of opioid</p> <p>20 products, when UPS asked you for your</p> <p>21 registration, did you provide them with a</p> <p>22 registration?</p> <p>23 MR. LIMBACHER: Object to</p> <p>24 form and foundation.</p>	<p style="text-align: right;">Page 233</p> <p>1 MR. LIMBACHER: Objection.</p> <p>2 Form and foundation.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Is that your understanding?</p> <p>5 MR. LIMBACHER: Misstates</p> <p>6 her testimony.</p> <p>7 THE WITNESS: The only thing</p> <p>8 that I can tell you is I know that</p> <p>9 UPS had a license, because they do</p> <p>10 the distribution of Endo's opioid</p> <p>11 products. And at sites that</p> <p>12 actually make the product, which</p> <p>13 are contract manufacturing sites,</p> <p>14 had a license to make the product.</p> <p>15 I cannot speak to Endo's</p> <p>16 specifically, because I don't</p> <p>17 know.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. So Endo -- what do you</p> <p>20 consider Endo in connection with</p> <p>21 Percocet; what is Endo?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form and foundation.</p> <p>24 THE WITNESS: Endo owns the</p>

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<p>1 NDA to -- for Percocet. But Endo 2 building does not make it or 3 distribute it. 4 BY MR. BUCHANAN: 5 Q. Is Endo a manufacturer? 6 MR. LIMBACHER: Object to 7 form and foundation. Asked and 8 answered. 9 THE WITNESS: On the 10 definition of manufacturer, yes. 11 BY MR. BUCHANAN: 12 Q. When the product is sold, 13 there's prescribing information, there's 14 risk management information, there can be 15 patient information for Endo's products, 16 fair? 17 A. That's not my area of 18 responsibility. I can't speak to that. 19 Q. Have you ever looked at the 20 labeling for Endo's opioid products, 21 ma'am? 22 A. I've seen the labeling 23 that's on the bottle. 24 Q. And on the bottom of the</p>	<p>1 Endo could operate in this closed system 2 of -- well, withdrawn. 3 Do you have an 4 understanding, ma'am, that manufacture, 5 distribution and sale of opioids in this 6 country requires a permission slip of 7 sorts? 8 MR. LIMBACHER: Objection. 9 Form and foundation. 10 BY MR. BUCHANAN: 11 Q. Do you have that 12 understanding? 13 MR. LIMBACHER: Asked and 14 answered. 15 THE WITNESS: My 16 understanding is, within my role, 17 which is distribution, our 18 products are shipped under UPS 19 Supply Chain Solutions's DEA 20 license. That is the customer -- 21 that is the distribution site that 22 has the DEA license. That is what 23 I know. I cannot speak to any 24 other part of it.</p>
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<p>1 bottle, does it say, not on the bottle -- 2 I'm sorry, withdrawn. 3 On the label, the 4 prescribing information that's provided 5 to doctors, have you ever looked at that? 6 A. The package insert, is that 7 what you're referring to? 8 Q. Yes. 9 A. Not in detail, no. 10 Q. Have you ever looked to see 11 who is listed on the back of it? 12 MR. LIMBACHER: Object to 13 form. 14 THE WITNESS: No, I haven't. 15 BY MR. BUCHANAN: 16 Q. As the manufacturer? 17 A. I know the bottle has it. 18 Q. And who does it list? 19 A. Endo. 20 Q. Okay. It lists Endo as the 21 manufacturer, right? 22 A. Yes. 23 Q. Okay. So I'm trying to 24 understand, ma'am, are you saying that</p>	<p>1 BY MR. BUCHANAN: 2 Q. Does Endo have a 3 registration that applies to its 4 activities with regard to Opana and 5 Percocet, ma'am? 6 MR. LIMBACHER: Objection. 7 Form and foundation. Asked and 8 answered. 9 THE WITNESS: You would need 10 to speak to other areas within 11 Endo. I can't -- I don't know. I 12 don't have the answer. 13 BY MR. BUCHANAN: 14 Q. Have you ever discussed with 15 law enforcement authorities or the DEA -- 16 have you ever been a part of 17 communications with the DEA, ma'am? 18 MR. LIMBACHER: Object to 19 form. 20 THE WITNESS: No, I have 21 not. 22 BY MR. BUCHANAN: 23 Q. Have you ever been a part of 24 discussions with those in regulatory as</p>

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<p>1 to Endo's registration status?</p> <p>2 A. No, I have not.</p> <p>3 Q. If I were to ask you, ma'am,</p> <p>4 what registration with the DEA, to your</p> <p>5 understanding, authorized Endo's</p> <p>6 activities with regard to Percocet and</p> <p>7 Opana ER, what would you state?</p> <p>8 MR. LIMBACHER: Object to --</p> <p>9 objection. Form and foundation.</p> <p>10 THE WITNESS: I would state</p> <p>11 that all of Endo's products are</p> <p>12 shipped under UPS Supply Chain</p> <p>13 Solutions's DEA license, and they</p> <p>14 have a DEA license.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. That's for shipping and</p> <p>17 handling?</p> <p>18 A. And that is my</p> <p>19 responsibility.</p> <p>20 Q. So the role and function</p> <p>21 that you were engaged in with regard to</p> <p>22 suspicious order monitoring, you were</p> <p>23 just doing that as a responsible company,</p> <p>24 is that your testimony, ma'am?</p>	<p>1 as Exhibit-4?</p> <p>2 MR. LIMBACHER: Yes, I think</p> <p>3 we're at 4.</p> <p>4 - - -</p> <p>5 (Whereupon, EndoWalker</p> <p>6 Exhibit-4, UPSSCS0002032-051, was</p> <p>7 marked for identification.)</p> <p>8 - - -</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. I'm passing you Exhibit-4 to</p> <p>11 your deposition, ma'am. It's a Know Your</p> <p>12 Customer checklist.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. You were a customer of UPS,</p> <p>16 fair?</p> <p>17 A. We were a client of UPS,</p> <p>18 yes.</p> <p>19 MR. LIMBACHER: Take your</p> <p>20 time and review the document.</p> <p>21 THE WITNESS: Okay.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. In connection with your</p> <p>24 dealings with UPS over the years, and</p>
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<p>1 MR. LIMBACHER: Objection.</p> <p>2 Form.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Or were you doing that as a</p> <p>5 DEA registrant?</p> <p>6 MR. LIMBACHER: Objection.</p> <p>7 Form. Asked and answered.</p> <p>8 THE WITNESS: I can't speak</p> <p>9 to Endo's DEA registration. I can</p> <p>10 speak to the fact that UPS Supply</p> <p>11 Chain Solutions had a DEA</p> <p>12 registration, a valid one, and our</p> <p>13 products are shipped under UPS</p> <p>14 Supply Chain Solutions's DEA</p> <p>15 license.</p> <p>16 And Endo had a SOM program</p> <p>17 in place. And so did UPS Supply</p> <p>18 Chain Solutions. That's what I</p> <p>19 can speak to.</p> <p>20 MR. BUCHANAN: Can I please</p> <p>21 have 737, Scott? You can just</p> <p>22 pass it over to the witness.</p> <p>23 Thank you.</p> <p>24 MR. SIEGEL: This is marked</p>	<p>1 after a point in time, I guess, in the</p> <p>2 last few years, you started to get some</p> <p>3 questionnaires from UPS, fair?</p> <p>4 A. Yes.</p> <p>5 Q. Were you the person who</p> <p>6 completed those questionnaires?</p> <p>7 A. I am.</p> <p>8 Q. Look before you, ma'am, and</p> <p>9 just satisfy yourself, for example, the</p> <p>10 one on the first page, last two numbers</p> <p>11 32, are --</p> <p>12 A. 32.</p> <p>13 Q. -- is your 2016 response to</p> <p>14 their questionnaire; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And scrolling</p> <p>17 forward -- and, by the way, who is Ms.</p> <p>18 Lindell?</p> <p>19 A. She works for UPS in the</p> <p>20 regulatory group.</p> <p>21 Q. Okay. Somebody that you</p> <p>22 dealt with there?</p> <p>23 A. Yes, I have.</p> <p>24 Q. Okay. Scroll forward.</p>

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<p style="text-align: right;">Page 242</p> <p>1 And do you see, I believe</p> <p>2 the last two numbers would be 40, do you</p> <p>3 see your Know Your Customer checklist</p> <p>4 from Endo for 2015 there?</p> <p>5 A. Yes.</p> <p>6 Q. And in the bottom right</p> <p>7 corner, it says effective date June 11,</p> <p>8 2013 for the form.</p> <p>9 Do you see that?</p> <p>10 A. June 11, 2013, yes.</p> <p>11 Q. And you understand, though,</p> <p>12 that you're providing this information --</p> <p>13 you completed these for UPS, or for</p> <p>14 your -- in response to the UPS request,</p> <p>15 correct?</p> <p>16 A. I did.</p> <p>17 Q. Okay. And you were accurate</p> <p>18 when you did that?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: I was what?</p> <p>22 Sorry.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. You were trying to be</p>	<p style="text-align: right;">Page 244</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. That's the box you checked,</p> <p>5 correct, ma'am?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Let's scroll forward</p> <p>8 in the document to Page 2043.</p> <p>9 I guess we should have read</p> <p>10 the sentence that was in the box, I</p> <p>11 apologize.</p> <p>12 You noted, Not at this time,</p> <p>13 but Endo should have a program in place</p> <p>14 by the end of 2013.</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Okay. And Endo didn't have</p> <p>18 that program in place by the end of 2013,</p> <p>19 correct?</p> <p>20 A. We utilized what Qualitest</p> <p>21 was doing.</p> <p>22 Q. Let's look at what you said</p> <p>23 next year when you answered this request.</p> <p>24 I'm sorry, this would be</p>
<p style="text-align: right;">Page 243</p> <p>1 accurate when you did that?</p> <p>2 A. Yes.</p> <p>3 Q. Scrolling forward to 2046,</p> <p>4 bottom right corner, the Bates numbers,</p> <p>5 this would be Endo's response as of July</p> <p>6 of 2013, fair?</p> <p>7 A. Yes.</p> <p>8 Q. Let's scroll to Page 2049,</p> <p>9 again, in your 2013 response.</p> <p>10 It asks, Question 15, What</p> <p>11 methods of payment are you going to</p> <p>12 accept from your customers?</p> <p>13 A. I'm sorry. What page are</p> <p>14 you on?</p> <p>15 Q. It's 2049. It's on the</p> <p>16 screen if that is easier.</p> <p>17 A. No, I have it. Thank you.</p> <p>18 Q. Then you're asked the</p> <p>19 question, Do you conduct on-site visits</p> <p>20 of your customers, yes or no?</p> <p>21 Do you see that?</p> <p>22 A. Yes, Number 16, yes.</p> <p>23 Q. And you said no, right?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 245</p> <p>1 2015. Can we go to 2043?</p> <p>2 Do you conduct on-site</p> <p>3 visits of your customers?</p> <p>4 What did you say?</p> <p>5 A. No.</p> <p>6 Q. Any explanation provided to</p> <p>7 UPS?</p> <p>8 A. No explanation.</p> <p>9 Q. Okay. So as of 2015, in</p> <p>10 response to the question from, I guess,</p> <p>11 your fulfillment company, do you conduct</p> <p>12 on-site visits of your customer, Endo's</p> <p>13 response was what, ma'am?</p> <p>14 A. What page?</p> <p>15 Q. 2043. The one on the</p> <p>16 screen, I'm sorry, if that's easier.</p> <p>17 A. 2043. It says no.</p> <p>18 Q. Thank you.</p> <p>19 And scroll forward in time</p> <p>20 to 2035. We're now in 2016. You're</p> <p>21 asked the question in Number 16.</p> <p>22 Could you read that, ma'am?</p> <p>23 A. Yes. It says no.</p> <p>24 Q. Do you conduct on-site</p>

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<p>1 visits of your customers? 2 And Endo replied? 3 A. No. 4 Q. And that was a true 5 statement? 6 A. Correct. Right. Endo did 7 not. 8 Q. And we can agree you 9 provided no explanation as to some other 10 source that was doing the customer review 11 for you, correct? 12 MR. LIMBACHER: Object to 13 form. The document speaks for 14 itself. 15 THE WITNESS: No. 16 BY MR. BUCHANAN: 17 Q. You filled this out, right? 18 A. Right. No, I did not 19 explain about Qualitest. 20 Q. Okay. And was UPS shipping 21 for Qualitest in 2013, ma'am? 22 A. No, they were not. 23 Q. In 2014? 24 A. No.</p>	<p>1 you what we're marking as Exhibit-5 to 2 your deposition. It's Bates stamped 3 Endo_Opioid_MDL, last three digits 962. 4 It's an e-mail exchange 5 between you and your colleague, Kim 6 Lindell at UPS. I said "your 7 colleague" -- 8 A. She works at UPS. 9 Q. -- your counterpart at UPS? 10 A. She works in the regulatory 11 group at UPS. 12 Q. Okay. We're looking here in 13 the summer of -- excuse me, April of 14 2014, starting at the bottom, please. 15 External, getting to know your customers. 16 Do you see that? 17 A. Yes. 18 Q. Actually, I should probably 19 start at the bottom of the first page, so 20 we orient ourselves. 21 You sent an e-mail off to 22 Ms. Lindell in April of 2014, right? 23 A. Yes, that's what this is 24 stating.</p>
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<p>1 Q. In 2015? 2 A. No. 3 Q. 2016? 4 A. No. 5 Q. You can set that aside, 6 ma'am. 7 MR. BUCHANAN: Next in 8 order, Scott, 753. 9 MR. LIMBACHER: Dave, 10 whenever it's a good time to break 11 for lunch. It's 12:30. 12 MR. BUCHANAN: This will 13 take five minutes. Fair? 14 MR. LIMBACHER: That's fine. 15 MR. SIEGEL: This is marked 16 as Walker-5. 17 - - - 18 (Whereupon, EndoWalker 19 Exhibit-5, 20 ENDO_OPIOID_MDL_05968962-963 was 21 marked for identification.) 22 - - - 23 BY MR. BUCHANAN: 24 Q. Ms. Walker, we're passing</p>	<p>1 Q. Subject, Getting to know 2 your customers? 3 A. Yes. 4 Q. I guess it says, Getting to 5 you your customers, but you were saying 6 getting to know your customers, 7 essentially? 8 A. Correct. 9 Q. Hi, Kim, there have been 10 many discussions around getting to know 11 your customers at Endo and Qualitest. 12 With that being said, I was under the 13 impression that UPS was not required by 14 the DEA to perform these audits. 15 And what did you write after 16 that? 17 A. And it was the 18 responsibility of the manufacturers. 19 Q. And it was the 20 responsibility of the manufacturers. 21 That's what you wrote? 22 A. That's what I wrote. 23 Q. And that was your 24 understanding as of that point in time,</p>

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<p style="text-align: right;">Page 250</p> <p>1 correct, ma'am?</p> <p>2 A. Correct.</p> <p>3 Q. Because after all, it was</p> <p>4 the manufacturers who had the sales force</p> <p>5 and the customers, right?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Endo had the sales force,</p> <p>11 Endo had the relationships with the</p> <p>12 distributors and the wholesalers, Endo</p> <p>13 had the relationship to the people who</p> <p>14 were placing the orders, correct?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: We had the</p> <p>18 relationship with the wholesalers.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Okay. So after you wrote,</p> <p>21 it was the responsibility of the</p> <p>22 manufacturers, you responded -- or</p> <p>23 questioned, Can you confirm my assumption</p> <p>24 is correct?</p>	<p style="text-align: right;">Page 252</p> <p>1 A. I don't recall.</p> <p>2 Q. Okay. The reply you got</p> <p>3 from Ms. Lindell was, Hi, Lisa, UPS does</p> <p>4 have a Know Your Customer program in</p> <p>5 place. However, as a 3PL provider --</p> <p>6 let's pause. What is a 3PL provider?</p> <p>7 A. Third-party logistics.</p> <p>8 Q. As a third-party logistics</p> <p>9 provider, we do not maintain the</p> <p>10 relationship with our clients' (Endo)</p> <p>11 customers.</p> <p>12 And that was true, right?</p> <p>13 They don't have a relationship with your</p> <p>14 customers?</p> <p>15 A. No, they don't.</p> <p>16 Q. You may recall the survey</p> <p>17 that we asked you to complete, she asks</p> <p>18 with a question mark on the end.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall that we looked</p> <p>22 at those surveys, the Know Your Customer</p> <p>23 checklist surveys a moment ago?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 251</p> <p>1 Did I read that correctly?</p> <p>2 A. You did.</p> <p>3 Q. Endo was looking at an</p> <p>4 outside vendor to perform these audits</p> <p>5 and someone mentioned to me that they</p> <p>6 thought UPS had to perform these audits</p> <p>7 as well, which I do not believe is true.</p> <p>8 Did I read that correctly?</p> <p>9 A. You did.</p> <p>10 Q. So as of this point in time,</p> <p>11 in 2014, you were clear, at least, that</p> <p>12 UPS was not going to your customers to</p> <p>13 know them, correct?</p> <p>14 A. In 2014, correct.</p> <p>15 Q. Okay. And you got a</p> <p>16 response from UPS, correct?</p> <p>17 A. Yes.</p> <p>18 Q. From -- this is the person</p> <p>19 in regulatory affairs at UPS, correct?</p> <p>20 A. Yes. Kim is in the</p> <p>21 regulatory group.</p> <p>22 Q. Did you reach out -- did you</p> <p>23 reach out to compliance and regulatory</p> <p>24 affairs at Endo on this issue?</p>	<p style="text-align: right;">Page 253</p> <p>1 Q. And do you recall you</p> <p>2 answering that Endo does not, in fact, go</p> <p>3 and conduct customer due diligence,</p> <p>4 correct?</p> <p>5 A. That is correct.</p> <p>6 Q. The survey contains</p> <p>7 questions about your SOM program, process</p> <p>8 for vetting new customers, customer</p> <p>9 types, et cetera. This allows us to do</p> <p>10 our due diligence to the extent that we</p> <p>11 can. Having said that, we believe that</p> <p>12 the DEA requires both the manufacturer</p> <p>13 and the distributor have a program in</p> <p>14 place.</p> <p>15 Did I read that correctly?</p> <p>16 A. You did.</p> <p>17 Q. And that was your</p> <p>18 understanding as well, as you noted on</p> <p>19 the prior page, correct?</p> <p>20 A. Uh-huh.</p> <p>21 MR. LIMBACHER: Objection to</p> <p>22 form.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. That's a yes answer, ma'am?</p>

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<p style="text-align: right;">Page 254</p> <p>1 A. Yes.</p> <p>2 Q. And then you replied to that</p> <p>3 e-mail saying, So your Getting to Know</p> <p>4 Your Customer program is around your</p> <p>5 clients?</p> <p>6 You're saying that to UPS,</p> <p>7 correct?</p> <p>8 A. I am.</p> <p>9 Q. And "your clients," when</p> <p>10 directing that to UPS, would be companies</p> <p>11 like Endo, right?</p> <p>12 A. It would, yes.</p> <p>13 Q. And so your understanding,</p> <p>14 ma'am, was that UPS's obligation was to</p> <p>15 get to know companies like you, right?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: In 2014, yes.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. And that it was the</p> <p>21 manufacturer's obligation to get to know</p> <p>22 their customers and their customers'</p> <p>23 customers, correct?</p> <p>24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 256</p> <p>1 question and then --</p> <p>2 MR. BUCHANAN: I have it.</p> <p>3 Yes.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Hi, Kim, so your Getting to</p> <p>6 Know Your Customer program is around your</p> <p>7 clients. Thanks. Lisa.</p> <p>8 Did I read that correctly,</p> <p>9 ma'am?</p> <p>10 A. Yes, you did.</p> <p>11 Q. And the reply you got from</p> <p>12 Ms. Lindell to you was, Yes, and, to some</p> <p>13 degree, your customers, based on the</p> <p>14 information that you provide us. The</p> <p>15 original plan was to survey your</p> <p>16 customers, but in the end we went down a</p> <p>17 different path.</p> <p>18 Did I read that correctly?</p> <p>19 A. You did.</p> <p>20 Q. And a response to the Know</p> <p>21 Your Customer checklist that you sent</p> <p>22 back to Ms. Lindell in 2013, did you</p> <p>23 provide them with due diligence</p> <p>24 information on your customers?</p>
<p style="text-align: right;">Page 255</p> <p>1 form. Misstates the evidence.</p> <p>2 THE WITNESS: Based on what</p> <p>3 I know, yes.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Okay.</p> <p>6 MR. BUCHANAN: I think it's</p> <p>7 a good place to break.</p> <p>8 MR. LIMBACHER: Do you want</p> <p>9 to read the response from UPS or</p> <p>10 do you want me to do that?</p> <p>11 MR. BUCHANAN: We can. I</p> <p>12 think I just did.</p> <p>13 MR. LIMBACHER: No, I don't</p> <p>14 think so.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. Friday, April 11, 2014. So,</p> <p>17 Kim, Getting to Know Your Customer</p> <p>18 program is around your clients. Thanks.</p> <p>19 You responded -- withdrawn.</p> <p>20 Let me start this over.</p> <p>21 Where were we?</p> <p>22 MR. BUCHANAN: Middle of the</p> <p>23 page, please.</p> <p>24 MR. LIMBACHER: Lisa sent a</p>	<p style="text-align: right;">Page 257</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. It was Endo's view that that</p> <p>6 information was -- of its customers was</p> <p>7 Endo's information, correct?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: Say that</p> <p>11 again.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. It was Endo's understanding,</p> <p>14 or at least your understanding at that</p> <p>15 time, that the responsibility for your</p> <p>16 customers rested with the manufacturer,</p> <p>17 correct?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 MR. BUCHANAN: Thank you.</p> <p>22 No further questions.</p> <p>23 VIDEO TECHNICIAN: Going off</p> <p>24 the record. The time is 12:37.</p>

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<p style="text-align: right;">Page 258</p> <p>1 - - -</p> <p>2 (Whereupon, a luncheon</p> <p>3 recess was taken.)</p> <p>4 - - -</p> <p>5 VIDEO TECHNICIAN: We're</p> <p>6 going back on record. Beginning</p> <p>7 of Media File Number 5. The time</p> <p>8 is 1:32.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Ms. Walker, are you ready to</p> <p>11 proceed?</p> <p>12 A. Yes.</p> <p>13 Q. You remain under oath.</p> <p>14 You understand that,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 MR. BUCHANAN: Could I have</p> <p>18 749, please, Scott?</p> <p>19 MR. SIEGEL: Marked as</p> <p>20 Exhibit-6.</p> <p>21 - - -</p> <p>22 (Whereupon, EndoWalker</p> <p>23 Exhibit-6, No Bates, 8/9/12 E-mail</p> <p>24 from Larry Shaffer to Lisa Walker,</p>	<p style="text-align: right;">Page 260</p> <p>1 Q. Okay. Ms. Connell, Ms.</p> <p>2 Hernandez are cc'd on that. And it's</p> <p>3 entitled, UPS's Know Your Customer</p> <p>4 program.</p> <p>5 Do you see that, ma'am?</p> <p>6 A. Yes.</p> <p>7 Q. And then you see that Mrs.</p> <p>8 Hernandez -- or Ms. Hernandez flips it</p> <p>9 over to Mr. Shaffer.</p> <p>10 Is it Shaffer or Shaffer?</p> <p>11 How do you pronounce that?</p> <p>12 A. I believe it was Shaffer.</p> <p>13 Q. Still with the company?</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. And he then provides</p> <p>16 his comments on this.</p> <p>17 Do you see that? On the</p> <p>18 first page.</p> <p>19 A. Yes, I see that. I'm just</p> <p>20 reading it.</p> <p>21 Q. It's July 25, 2012, 4:54</p> <p>22 p.m., UPS's Know Your Customer program.</p> <p>23 And he states, I just want to make sure</p> <p>24 that I understand this. The KYC</p>
<p style="text-align: right;">Page 259</p> <p>1 Subject: FW: UPS's Know Your</p> <p>2 Customer Program, was marked for</p> <p>3 identification.)</p> <p>4 - - -</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. Ma'am, I'm passing you an</p> <p>7 exchange from 2012. It's an e-mail</p> <p>8 exchange between yourself and Mr.</p> <p>9 Shaffer, July 25, 2012.</p> <p>10 Do you see it on the screen?</p> <p>11 There's a copy, if that's more</p> <p>12 convenient, to look at on paper.</p> <p>13 A. Yes.</p> <p>14 Q. Who is Mr. Shaffer?</p> <p>15 A. I believe he worked at</p> <p>16 Qualitest.</p> <p>17 Q. Okay. You see he's -- there</p> <p>18 is an exchange among yourself and others</p> <p>19 that starts this. It's on July 23rd,</p> <p>20 2012 from yourself to Margaret</p> <p>21 Richardson.</p> <p>22 Who is she?</p> <p>23 A. She was a lawyer at one time</p> <p>24 at Qualitest.</p>	<p style="text-align: right;">Page 261</p> <p>1 documentation -- is that the way you</p> <p>2 referred to Know Your Customer in your</p> <p>3 field, ma'am?</p> <p>4 A. That's the way they refer to</p> <p>5 it. Not me.</p> <p>6 Q. Okay. The KYC documentation</p> <p>7 is in addition to an actual SOM system.</p> <p>8 Please find my review with suggestions</p> <p>9 below.</p> <p>10 Have you seen this before,</p> <p>11 ma'am?</p> <p>12 A. No, I have not. I don't</p> <p>13 recall seeing this.</p> <p>14 Q. We do see, I guess, at the</p> <p>15 top of the page, if you read all the way</p> <p>16 to the top, Mr. Shaffer forwarded it back</p> <p>17 to you on August 9th, 2012, correct?</p> <p>18 A. Yes, I see that.</p> <p>19 Q. Hi, Lisa, per my voicemail,</p> <p>20 below are my comments. Thanks, Larry.</p> <p>21 Do you see that?</p> <p>22 A. I do.</p> <p>23 Q. And then if you read down in</p> <p>24 the Know Your Customer questionnaire,</p>

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<p>1 customer key rating -- let's pause for a 2 moment. 3 Does this look familiar to 4 you, ma'am? 5 MR. LIMBACHER: Object to 6 form. 7 BY MR. BUCHANAN: 8 Q. The Know Your Customer 9 questionnaire? 10 A. Is this -- I don't know what 11 this is. Is this UPS's customer program 12 questions? Is that what this is? 13 Q. Do you recall getting, from 14 UPS, a questionnaire for your 15 consideration and review? 16 We looked at some that were 17 completed, but do you recall getting an 18 electronic version from UPS with their 19 answer key? 20 A. No, I do not recall. 21 Q. We're going to pause on this 22 exhibit for a moment, ma'am. And I'm 23 going to forward to you the exchange you 24 had with UPS concerning this, okay?</p>	<p>1 MR. LIMBACHER: Take your 2 time and review the document. 3 THE WITNESS: Yeah, I -- I 4 need to review this. 5 BY MR. BUCHANAN: 6 Q. The earliest-in-time e-mail 7 is at the bottom of the page. 8 Do you see that? 9 A. Are you referring to the 10 e-mail on May 22nd? 11 Q. That's correct. 12 A. I see the e-mail. 13 Q. From a Mr. Olson at UPS to 14 yourself, correct? 15 A. Uh-huh, yes. 16 Q. And the subject is, Know 17 Your Customer, right? 18 A. That's what the e-mail 19 states. 20 Q. Attached are the files we 21 will be reviewing today. 22 That's what he says to you, 23 correct? 24 A. Yes. Can I read this</p>
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<p>1 MR. BUCHANAN: What exhibit 2 are we up to, Scott? 3 MR. SIEGEL: 7. 4 - - - 5 (Whereupon, EndoWalker 6 Exhibit-7, 7 ENDO_OPIOID_MDL_02448133-142, was 8 marked for identification.) 9 - - - 10 BY MR. BUCHANAN: 11 Q. It's Exhibit-566 in our 12 system, and it will be Exhibit-7 for the 13 deposition. 14 Do you have the exhibit 15 before you now, ma'am? 16 A. I do. 17 Q. So just take a moment to 18 turn the pages, and I'll just describe it 19 as you're looking at it. 20 This is an e-mail exchange 21 between yourself and a Warren Olson of 22 UPS, initially on May 22, 2012, with the 23 subject, Know Your Customer. 24 Do you see that?</p>	<p>1 document? I need to understand what you 2 guys gave to me. 3 Q. Sure. 4 A. Okay. 5 Q. And this was the initial 6 outreach you got from UPS concerning 7 their Know Your Customer program as they 8 were considering their next steps, right? 9 MR. LIMBACHER: Object to 10 form. 11 THE WITNESS: So this was -- 12 this was prior to getting to know 13 the documents we looked at 14 earlier? 15 BY MR. BUCHANAN: 16 Q. Exactly. 17 A. I just want to make sure I 18 understand the time frame we're looking 19 at. 20 Q. This is the summer of 2012, 21 correct? 22 A. Yes. 23 Q. And then we saw some 24 documents before lunch where you were</p>

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<p style="text-align: right;">Page 266</p> <p>1 actually given a questionnaire for 2 yourself as a customer. 3 Do you recall that? 4 A. Yes. 5 Q. And you completed three 6 years' worth of those in the exhibit that 7 I marked, correct? 8 A. Yes. 9 Q. And then you had a further 10 exchange with somebody from -- Ms. 11 Lindell, I think, in UPS compliance, 12 concerning your role as a manufacturer in 13 reaching out to your customers. 14 Do you recall that 15 discussion earlier, before lunch? 16 MR. LIMBACHER: Object to 17 form. 18 THE WITNESS: Yes. We 19 reviewed the documents before 20 lunch, correct. 21 BY MR. BUCHANAN: 22 Q. And so you'll see, as you 23 turn the pages here, there's a sample 24 questionnaire that's sent to you.</p>	<p style="text-align: right;">Page 268</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: That's what 4 you provided to me, yes. 5 BY MR. BUCHANAN: 6 Q. And they told you, don't 7 tell anybody, right? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: That's what it 11 says in the e-mail. 12 BY MR. BUCHANAN: 13 Q. I've also attached the 14 updated questionnaires (and rating keys, 15 don't tell anyone.) 16 Did I read that correctly, 17 ma'am? 18 A. Yes. 19 Q. You forwarded the 20 questionnaire you received from UPS 21 internal to Endo, correct? 22 Withdrawn. 23 You forwarded the 24 questionnaire that you received from UPS</p>
<p style="text-align: right;">Page 267</p> <p>1 And then if you go to 566.5, 2 that's the number in the top right 3 corner, you will see some answer keys. 4 Do you see that? 5 A. I do. 6 Q. Okay. And the answer key 7 includes whether the risk would be low, 8 medium -- or L, M and H. 9 Do you see that? 10 A. Uh-huh, yes. 11 Q. Okay. And depending on what 12 your answers were to particular 13 questions, that would either lean more 14 towards low or more towards high, right? 15 A. Say that again. 16 Q. Did you understand that UPS 17 was going to assess the answers they 18 received from the questionnaires? 19 A. I did not -- no, I don't 20 recall that. 21 Q. Okay. Nonetheless, they 22 sent you the questionnaires they were 23 contemplating and their rating keys, 24 right?</p>	<p style="text-align: right;">Page 269</p> <p>1 to your colleague, Mr. Shaffer at the 2 other Endo company, Qualitest, correct? 3 A. I -- I don't recall. I'm 4 just going by what you provided to me, 5 and I'm trying to follow the sequence of 6 events. 7 Q. Am I correct, ma'am, that if 8 you look at Exhibit-6 -- 9 A. Which is 6? This is 6, 10 okay. 11 Q. Exhibit-6 is your 12 later-in-time e-mail to -- from August of 13 2012. 14 Do you see that? I'm sorry, 15 withdrawn. 16 The last-in-time e-mail is 17 an e-mail from Mr. Shaffer to yourself on 18 August 9, 2012, correct? 19 A. I see that. 20 Q. And the subject is, 21 Forwarding UPS's Know Your Customer 22 program. 23 Do you see that? 24 A. Yes.</p>

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<p style="text-align: right;">Page 270</p> <p>1 Q. And then do you see below 2 that Mr. Shaffer has reproduced the 3 customer questionnaire, and he's got some 4 comments in there as well? 5 Do you see that? 6 A. Selling products -- yes, I 7 see that. 8 Q. And it seems that Mr. 9 Shaffer left you a voicemail with his 10 comments as well? 11 A. That's what the e-mail 12 states. 13 Q. Did you have interactions 14 with regulatory and Qualitest relating to 15 suspicious order practices? 16 A. Not that I recall. 17 Q. Is Mr. Shaffer in regulatory 18 at Qualitest? 19 A. I do not believe he was, no. 20 Q. What group was he in? 21 A. I believe he was part of 22 transportation or security, if I remember 23 correctly. 24 Q. Okay.</p>	<p style="text-align: right;">Page 272</p> <p>1 questionnaire, fair? 2 A. Based on what the e-mail 3 states. 4 Q. I want to go down to 5 hotspots, Item 3. By 2012, the CDC had 6 already identified the opioid crisis as 7 an epidemic. 8 Are you aware of that, 9 ma'am? 10 MR. LIMBACHER: Object to 11 form. 12 THE WITNESS: I knew there 13 was an epidemic. I couldn't tell 14 you the year. 15 BY MR. BUCHANAN: 16 Q. By 2012, had you, within 17 Endo, identified hotspots for 18 diversion-related activity? 19 MR. LIMBACHER: Object to 20 form. 21 THE WITNESS: I can't speak 22 to other parts of Endo. 23 BY MR. BUCHANAN: 24 Q. I'm just asking within --</p>
<p style="text-align: right;">Page 271</p> <p>1 A. I could be wrong. But I 2 don't know. 3 Q. If we scroll down, do you 4 see the version of the questionnaire that 5 Mr. Shaffer commented on, correct? 6 A. Uh-huh. 7 Q. In his e-mail to you dated 8 July 25, 2012, right? 9 A. Yes. 10 MR. LIMBACHER: Object to 11 form. It's an e-mail to Tracey 12 Hernandez. 13 MR. BUCHANAN: I'm sorry. 14 THE WITNESS: Sorry. 15 BY MR. BUCHANAN: 16 Q. It was an e-mail from Mr. 17 Shaffer to Tracey Hernandez that was 18 forwarded to you a few weeks later, 19 correct? 20 A. Yes. 21 Q. Okay. All right. So in 22 this e-mail between Mr. Shaffer and Ms. 23 Hernandez that was forwarded to you, Mr. 24 Shaffer has got some comments on the</p>	<p style="text-align: right;">Page 273</p> <p>1 A. But, I mean, yes, we knew -- 2 I knew -- 3 Q. Let me ask the question. 4 A. -- that there was an opioid 5 epidemic, but I can't speak to other 6 areas within Endo. 7 Q. This particular 8 questionnaire, 3, What geographic areas 9 will you be primarily distributing 10 product to, hotspot locations, Florida, 11 et cetera, equals H. 12 Do you see that? 13 A. I do. 14 Q. Did you recognize Florida as 15 a hotspot with regard to the opioid 16 epidemic in 2012, ma'am? 17 MR. LIMBACHER: Object to 18 form. 19 THE WITNESS: This 20 information that you're looking at 21 is regarding to our generics 22 division. I can't speak to 23 anything. This is generics. 24 Larry and Tracey are part of</p>

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<p>1 our generics division. I can't 2 speak to any of this. 3 BY MR. BUCHANAN: 4 Q. So stay with me just on the 5 branded side, then. 6 As just a factual matter, in 7 2012, had you in the branded side 8 identified Florida as a hotspot location? 9 MR. LIMBACHER: Object to 10 form. 11 THE WITNESS: We knew that 12 there was opioid epidemics 13 throughout the country. I can't 14 confirm or deny -- I can't confirm 15 if we identified Florida back in 16 2012. 17 BY MR. BUCHANAN: 18 Q. Okay. Larry's comment here 19 says, Suggest: Hotspot locations, and he 20 lists Florida. 21 Do you see that? 22 A. I do see Florida. 23 Q. Texas? 24 A. Yes.</p>	<p>1 Q. I'm asking you a question, 2 though. 3 Do you understand that 4 there's only an opioid epidemic with 5 regard to generic drugs? 6 A. I know -- 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: I know that 10 there's an opioid epidemic 11 throughout the country. 12 BY MR. BUCHANAN: 13 Q. And you all were making 14 opioid branded drugs, right, in the Endo 15 Pharmaceuticals arm, correct? 16 MR. LIMBACHER: Object to 17 form. 18 THE WITNESS: There's 19 branded opioid products, correct. 20 BY MR. BUCHANAN: 21 Q. At this point in time, you 22 were making Opana ER, right? 23 A. Yes. 24 Q. Opana?</p>
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<p>1 Q. Kentucky? 2 A. I see that on your document. 3 Q. Tennessee. 4 Do you see that? 5 A. Yes. 6 Q. California? 7 A. Yes. 8 Q. Illinois? 9 A. Correct. I see it. 10 Q. Nevada? 11 A. Yes. But this is generics, 12 again. 13 Q. All equals high, correct? 14 A. But this is generics. 15 Q. Do you understand that 16 there's only an opioid epidemic with 17 regard to generic drugs, ma'am? 18 MR. LIMBACHER: Object to 19 form. Argumentative. 20 THE WITNESS: No. What I'm 21 trying to tell you is I can't 22 speak to this document. This has 23 to do with generics. 24 BY MR. BUCHANAN:</p>	<p>1 A. Yes. 2 Q. Percocet? 3 A. Yes. 4 Q. Selling hundreds of millions 5 of pills every year? 6 A. I can't speak to the 7 number -- 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: -- to the 11 number of pills. 12 BY MR. BUCHANAN: 13 Q. Would you dispute that you 14 were selling hundreds of millions of 15 pills every year, ma'am? 16 A. I don't -- 17 MR. LIMBACHER: Object to 18 form. 19 THE WITNESS: I don't know 20 the number of pills. 21 BY MR. BUCHANAN: 22 Q. As part of your suspicious 23 order monitoring practice, ma'am, did you 24 look at hotspot locations and evaluate</p>

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<p>1 your customers in particular with regard</p> <p>2 to hotspot locations?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form.</p> <p>5 THE WITNESS: We had an SOM</p> <p>6 program in place at both Endo and</p> <p>7 UPS at that 2012.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Okay. For example, did you</p> <p>10 do any due diligence on your customers in</p> <p>11 Florida?</p> <p>12 A. We had our SOM program in</p> <p>13 place that looked at all orders.</p> <p>14 Q. Did you go and visit any</p> <p>15 customers in Florida?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: Did Endo?</p> <p>19 Endo did not. But as I stated</p> <p>20 before, our Qualitest group</p> <p>21 visited customers.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. Not in 2012?</p> <p>24 MR. LIMBACHER: Object to</p>	<p>1 what your counsel -- you and your counsel</p> <p>2 discussed getting ready for today.</p> <p>3 What's the earliest point in</p> <p>4 time you have knowledge about Qualitest's</p> <p>5 SOM practices, ma'am?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: I can't speak</p> <p>9 to Qualitest's SOM practice.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. That's what I thought.</p> <p>12 So with regard to branded's</p> <p>13 practices, as of 2012, were you all</p> <p>14 conducting due diligence visits on the</p> <p>15 Florida customers?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form. Asked and answered.</p> <p>18 THE WITNESS: As I stated</p> <p>19 before, we had an SOM program in</p> <p>20 place at both Endo and at UPS, and</p> <p>21 that's how we reviewed our orders.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. Okay. And to answer my</p> <p>24 question, though, were you conducting due</p>
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<p>1 form.</p> <p>2 THE WITNESS: I don't know</p> <p>3 the exact date when they did.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Right. Well, do you know</p> <p>6 any of what Qualitest did, ma'am, other</p> <p>7 than what you've been told in connection</p> <p>8 with getting ready for today?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 MR. BUCHANAN: I don't want</p> <p>12 privileged.</p> <p>13 MR. LIMBACHER: I would</p> <p>14 object to the statement by</p> <p>15 counsel.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. I'm assuming you spoke to</p> <p>18 counsel to get ready for today, right?</p> <p>19 MR. LIMBACHER: And we've</p> <p>20 covered that already. Just, if</p> <p>21 you could, rephrase your question,</p> <p>22 please, counsel.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. I don't want you to tell me</p>	<p>1 diligence visits on your Florida</p> <p>2 customers in 2012?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form. Asked and answered.</p> <p>5 THE WITNESS: And within my</p> <p>6 role, no. But I can also not -- I</p> <p>7 cannot speak to if anybody else</p> <p>8 within Endo did anything within</p> <p>9 the state of Florida.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Okay. As I understand it</p> <p>12 with regard to suspicious order</p> <p>13 monitoring, that was your function within</p> <p>14 the branded side, correct?</p> <p>15 A. Right.</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. Did you ever conduct any due</p> <p>20 diligence visits to Texas in 2012?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form. Asked and answered.</p> <p>23 THE WITNESS: Within my</p> <p>24 role, no. But that doesn't</p>

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<p>1 mean -- or I cannot speak to</p> <p>2 anything that was done within the</p> <p>3 Endo Corporation, if anybody else</p> <p>4 did.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. You were in the suspicious</p> <p>7 order monitoring role for Endo?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form. Asked and answered.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. Okay. Anyone do it for</p> <p>13 Texas, Tennessee, California, Illinois,</p> <p>14 any of the other states that were</p> <p>15 identified as hotspots --</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. -- in this e-mail that was</p> <p>20 forwarded to you in 2012?</p> <p>21 A. Within my role --</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 THE WITNESS: -- no, but I</p>	<p>1 with customers that you provide products</p> <p>2 to.</p> <p>3 Do you see that?</p> <p>4 A. Yes. But this is the</p> <p>5 generics answering that question, not the</p> <p>6 branded side.</p> <p>7 Q. And it was forwarded to you,</p> <p>8 right?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: Yes. But it's</p> <p>12 the generic side of the business</p> <p>13 answering those questions.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. If you could just stay with</p> <p>16 my questions, ma'am, it's going to go a</p> <p>17 lot faster today.</p> <p>18 MR. LIMBACHER: It would go</p> <p>19 faster if you would listen to her</p> <p>20 answers, counsel.</p> <p>21 MR. BUCHANAN: I don't think</p> <p>22 we have a responsive answer, so</p> <p>23 we'll just keep doing it until we</p> <p>24 do.</p>
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<p>1 cannot speak to the rest of the</p> <p>2 company.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Are you aware of any that</p> <p>5 were conducted as of 2012 in these</p> <p>6 hotspots, ma'am?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: Within my</p> <p>10 area, no. But I cannot speak for</p> <p>11 the rest of the company.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Sitting here today, you</p> <p>14 can't say that any were conducted, fair?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: Within my</p> <p>18 role, no, but I cannot speak for</p> <p>19 the rest of the company.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Let's focus now and zoom</p> <p>22 down to Item 14.</p> <p>23 There's a question about</p> <p>24 whether you've got contract agreements</p>	<p>1 BY MR. BUCHANAN:</p> <p>2 Q. With regard to Item 14,</p> <p>3 there's a suggestion.</p> <p>4 Do you see that?</p> <p>5 A. Yes, I see it.</p> <p>6 Q. So in conjunction with this</p> <p>7 question, we should ask if they offer</p> <p>8 sales or promotions of products to</p> <p>9 customers.</p> <p>10 Do you see that?</p> <p>11 A. It's written there, yes.</p> <p>12 Q. In the summer of 2014, one</p> <p>13 of the things that -- excuse me.</p> <p>14 Withdrawn.</p> <p>15 In the summer of 2012, one</p> <p>16 of the things that Qualitest was looking</p> <p>17 at was its own Know Your Customer</p> <p>18 program, right?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: I can't</p> <p>22 confirm that.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Okay. It says, In</p>

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<p>1 connection with this question, we should 2 ask if they offer sales or promotions of 3 products to customers. This is an area 4 that could contribute to excessive 5 ordering, as well as the use of the 6 verbiage of sales and promotions is a red 7 flag in itself. 8 Do you see that? 9 A. I see it. 10 Q. Do you agree, ma'am, that 11 sales and promotions of controlled 12 substances are a red flag for suspicious 13 orders? 14 MR. LIMBACHER: Object to 15 form. 16 THE WITNESS: I can't speak 17 to sales. Sales is not my 18 responsibility. 19 BY MR. BUCHANAN: 20 Q. Well, your responsibility 21 was overseeing suspicious orders, fair? 22 MR. LIMBACHER: Object to 23 form. 24 THE WITNESS: My</p>	<p>1 of the product is not my 2 responsibility. It's with other 3 organizations within the company. 4 BY MR. BUCHANAN: 5 Q. Did you consider, ma'am, 6 whether offering promotions and sales, in 7 and of itself, of a controlled substance 8 would constitute a suspicious order? 9 A. My responsibility -- 10 MR. LIMBACHER: Object to 11 form. Asked and answered. And, 12 counsel, with all due respect, 13 you've asked the same question now 14 multiple times. 15 MR. BUCHANAN: I'm entitled 16 to an answer. 17 You can answer, ma'am. 18 MR. LIMBACHER: I know you 19 don't like the answer that you're 20 getting. 21 MR. BUCHANAN: I just don't 22 like your speaking objections. 23 MR. LIMBACHER: Well, I 24 don't appreciate you asking my</p>
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<p>1 responsibility was shipping 2 product to wholesalers. I'm not 3 responsible for sales. I don't 4 promote the product. I'm not 5 responsible for sales. 6 BY MR. BUCHANAN: 7 Q. As part of looking at 8 whether orders were suspicious, did you 9 look to see whether or not the company 10 had promotions on its products? 11 A. That's not part of my job 12 responsibility. There's other areas 13 within Endo -- 14 Q. Did you -- 15 A. -- that's their 16 responsibility. 17 Q. Did you consider, ma'am, 18 whether offering promotions and sales, in 19 and of itself, is a suspicious order? 20 MR. LIMBACHER: Object to 21 form. 22 THE WITNESS: My 23 responsibility is shipping the 24 product to the wholesalers. Sales</p>	<p>1 witness the same question over and 2 over and over simply because it's 3 not fitting into your very nice, 4 neat script of what you think this 5 litigation is all about. 6 MR. BUCHANAN: Can I have 7 the question read back, please? 8 MR. LIMBACHER: So with all 9 due respect, counsel, at some 10 point in time you have to stop 11 asking the same question just 12 because you don't like the answer 13 you're getting. 14 MR. BUCHANAN: Do you feel 15 better now? 16 MR. LIMBACHER: That's 17 defined as harassment of a 18 witness. 19 MR. BUCHANAN: Can I have my 20 question read back? 21 MR. LIMBACHER: I don't 22 appreciate the sarcasm, either. 23 I'm doing my job just as you're 24 doing yours.</p>

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<p style="text-align: right;">Page 290</p> <p>1 MR. BUCHANAN: No, a</p> <p>2 speaking objection is not your</p> <p>3 job.</p> <p>4 MR. LIMBACHER: My job is to</p> <p>5 protect my witness and protect my</p> <p>6 client.</p> <p>7 MR. BUCHANAN: Not by --</p> <p>8 MR. LIMBACHER: And if you</p> <p>9 are asking inappropriate questions</p> <p>10 over and over and over, after I've</p> <p>11 been very patient, then I am</p> <p>12 entitled and, in fact, obligated</p> <p>13 to speak up.</p> <p>14 MR. BUCHANAN: Please mark</p> <p>15 the transcript.</p> <p>16 - - -</p> <p>17 (Whereupon, the court</p> <p>18 reporter read the following part</p> <p>19 of the record:</p> <p>20 "Question: Did you</p> <p>21 consider, ma'am, whether offering</p> <p>22 promotions and sales, in and of</p> <p>23 itself, of a controlled substance</p> <p>24 would constitute a suspicious</p>	<p style="text-align: right;">Page 292</p> <p>1 Q. Did you consider, ma'am,</p> <p>2 sales and promotions a red flag with</p> <p>3 regard to suspicious orders?</p> <p>4 MR. LIMBACHER: Objection to</p> <p>5 the form. Asked and answered.</p> <p>6 THE WITNESS: I had the</p> <p>7 necessary information to do my</p> <p>8 job. My job was to ship to our</p> <p>9 wholesalers. We had the necessary</p> <p>10 SOM programs in place at Endo and</p> <p>11 at UPS. The sale of the product</p> <p>12 is with other areas within Endo.</p> <p>13 It is not my responsibility.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. And ship you did, right?</p> <p>16 MR. LIMBACHER: Objection.</p> <p>17 THE WITNESS: I shipped the</p> <p>18 product within our SOM programs;</p> <p>19 our program and at UPS's program.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Over and over and over and</p> <p>22 over again for 20 years, when red flags</p> <p>23 were raised, when wires were tripped and,</p> <p>24 quote, a review was conducted, you</p>
<p style="text-align: right;">Page 291</p> <p>1 order?")</p> <p>2 - - -</p> <p>3 MR. LIMBACHER: Objection.</p> <p>4 Form. Foundation. Asked and</p> <p>5 answered.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. You can answer.</p> <p>8 A. As I said previously, my</p> <p>9 responsibility is shipping product to our</p> <p>10 wholesalers. The sale of the product is</p> <p>11 not my responsibility. There's other</p> <p>12 areas within Endo that is responsible for</p> <p>13 the sales and promotion of the product.</p> <p>14 Q. Did anyone within the</p> <p>15 company, ma'am, ever tell you that, I</p> <p>16 guess apart from this e-mail, that sales</p> <p>17 or promotions of products to customers</p> <p>18 could be a red flag for excessive</p> <p>19 ordering?</p> <p>20 A. I had the necessary</p> <p>21 information to do my job. My job was</p> <p>22 shipping product to wholesalers. The</p> <p>23 sale of the product is not within my area</p> <p>24 of responsibility.</p>	<p style="text-align: right;">Page 293</p> <p>1 cleared the orders and they shipped?</p> <p>2 MR. LIMBACHER: Objection to</p> <p>3 the form. Counsel --</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. True?</p> <p>6 MR. LIMBACHER: -- save your</p> <p>7 closing argument for the jury,</p> <p>8 please.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. You can answer that.</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form. Asked and answered.</p> <p>13 THE WITNESS: I shipped the</p> <p>14 product to our wholesalers.</p> <p>15 And, again, and I'm going to</p> <p>16 repeat this again and again, we</p> <p>17 had the appropriate measures in</p> <p>18 place at Endo and at UPS. We had</p> <p>19 an SOM program in place. We</p> <p>20 shipped to the wholesalers.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. You were required to</p> <p>23 maintain effective controls against</p> <p>24 diversion, "you" being Endo, right?</p>

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<p style="text-align: right;">Page 294</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: I cannot speak 4 for Endo as a company. I can 5 speak to my role within the 6 company. 7 BY MR. BUCHANAN: 8 Q. You understood, ma'am, 9 operating within the closed system of 10 controlled substance distribution that 11 your company had an obligation to 12 maintain effective controls against 13 diversion, correct? 14 MR. LIMBACHER: Object to 15 form. Asked and answered. 16 THE WITNESS: There are 17 other areas within the company 18 that did many things regarding the 19 diversion of Opana that I cannot 20 speak to. 21 I can only speak to my job. 22 And my job was shipping to the 23 wholesalers. 24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 296</p> <p>1 to prevent diversion that you know about. 2 MR. LIMBACHER: Object to 3 the form and foundation. You want 4 her to now testify about the 5 things she just told you she 6 couldn't testify about? Is that 7 the question? 8 MR. BUCHANAN: She said she 9 knows Endo has a lot of different 10 programs in place, so I'd like to 11 know what they are. 12 MR. LIMBACHER: And I can't 13 speak to all of those programs 14 within Endo, is her testimony. 15 So I want just to be clear 16 on the record that you're asking 17 her now to testify about things 18 that she's just said that she 19 cannot speak to. Is that what 20 we're doing now, counsel? 21 MR. BUCHANAN: You can 22 answer. 23 MR. LIMBACHER: Is that how 24 we're using our time?</p>
<p style="text-align: right;">Page 295</p> <p>1 Q. Did you have that 2 understanding, ma'am, that as a member of 3 the closed system for controlled 4 substance distribution that your company 5 had an obligation to maintain effective 6 controls against diversion; yes or no? 7 MR. LIMBACHER: Object to 8 the form and foundation. 9 BY MR. BUCHANAN: 10 Q. Did you understand that? 11 MR. LIMBACHER: Asked and 12 answered. 13 THE WITNESS: I know that 14 Endo had a lot of different 15 programs in place to maintain -- 16 sorry, wrong word -- to stop 17 diversion. 18 I cannot speak to all those 19 programs within Endo. I can only 20 speak to my job. 21 BY MR. BUCHANAN: 22 Q. Okay. Within Endo branded, 23 ma'am, please share with us the other 24 effective controls the company maintained</p>	<p style="text-align: right;">Page 297</p> <p>1 MR. BUCHANAN: We can 2 definitely use our time that way, 3 because she says she has knowledge 4 of it. 5 BY MR. BUCHANAN: 6 Q. So please share with us, 7 ma'am, those effective controls against 8 diversion that you're aware of that Endo 9 had? 10 MR. LIMBACHER: Objection to 11 the form. Foundation. Asked and 12 answered. 13 THE WITNESS: Am I 14 answering? I'm sorry. 15 BY MR. BUCHANAN: 16 Q. You can answer. 17 MR. LIMBACHER: Do you need 18 him to repeat the question? 19 THE WITNESS: Sure. Repeat 20 the question. 21 BY MR. BUCHANAN: 22 Q. Please share with us, Ms. 23 Walker, the effective controls against 24 diversion that you're aware of that Endo</p>

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<p style="text-align: right;">Page 298</p> <p>1 had.</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 the form and foundation. Asked</p> <p>4 and answered.</p> <p>5 THE WITNESS: I know that</p> <p>6 Endo had other -- had programs in</p> <p>7 place. I can't speak to them.</p> <p>8 They're not part -- they're not my</p> <p>9 responsibility.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Are you aware of any?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form. And foundation.</p> <p>14 THE WITNESS: There are</p> <p>15 programs in place that Endo did.</p> <p>16 I cannot speak to them. I can't</p> <p>17 speak for the company. I can only</p> <p>18 speak for myself and my job.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Your job, as I understand</p> <p>21 it, ma'am, was head of suspicious order</p> <p>22 monitoring, correct?</p> <p>23 MR. LIMBACHER: Object to</p> <p>24 form.</p>	<p style="text-align: right;">Page 300</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Does Endo have SOPs for</p> <p>3 suspicious order monitoring?</p> <p>4 A. We have --</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 THE WITNESS: We have the</p> <p>8 document that we looked at, that</p> <p>9 we have already reviewed. That's</p> <p>10 the only document that I know of.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. Okay. Endo has standard</p> <p>13 operating procedures as a general matter,</p> <p>14 correct?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: I'm sure some</p> <p>18 areas do. I can't speak to those.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Have you seen lists of Endo</p> <p>21 standard operating procedures?</p> <p>22 A. No, I don't recall.</p> <p>23 Q. Would it surprise you,</p> <p>24 ma'am, that Endo doesn't have standard</p>
<p style="text-align: right;">Page 299</p> <p>1 THE WITNESS: Suspicious</p> <p>2 order monitoring was part of my</p> <p>3 job responsibility.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. If we were to look for</p> <p>6 Endo's SOPs on suspicious order</p> <p>7 monitoring, we could see described at</p> <p>8 least what Endo did in regard to standard</p> <p>9 operating procedures with regard to</p> <p>10 suspicious order monitoring, would that</p> <p>11 be true?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 THE WITNESS: I think we</p> <p>15 already looked at the document</p> <p>16 about our SOM program.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Does Endo even have SOPs for</p> <p>19 suspicious order monitoring, ma'am?</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 THE WITNESS: We have that</p> <p>23 document in place. And many of</p> <p>24 our SOPs are within UPS.</p>	<p style="text-align: right;">Page 301</p> <p>1 operating procedures for suspicious order</p> <p>2 monitoring?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 the form. Argumentative.</p> <p>5 THE WITNESS: I have the</p> <p>6 document that we've already</p> <p>7 reviewed. And we have UPS's</p> <p>8 document. And we have work</p> <p>9 instructions within UPS.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. The document that we</p> <p>12 reviewed, could you identify it for the</p> <p>13 record, just so we understand what you're</p> <p>14 referring to as Endo's standard operating</p> <p>15 procedures?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: The document</p> <p>19 that's attached to Number 3. It's</p> <p>20 this one.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. What exhibit?</p> <p>23 MR. LIMBACHER: Exhibit-3.</p> <p>24 THE WITNESS: Exhibit-3.</p>

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<p style="text-align: right;">Page 302</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Thank you. Let's go to the</p> <p>3 next page, please.</p> <p>4 I'm sorry, let's go back to</p> <p>5 the first page, so we describe it for the</p> <p>6 record.</p> <p>7 This is an e-mail exchange</p> <p>8 that you're having in 2015, I guess it</p> <p>9 was an e-mail from Mr. Collins to</p> <p>10 yourself on SOM program, to yourself. I</p> <p>11 think it says, Hi, Laura, but do you</p> <p>12 understand that to be referring to you in</p> <p>13 that e-mail, ma'am?</p> <p>14 A. Yes.</p> <p>15 Q. Hi, Laura. Please provide</p> <p>16 an update on Endo's SOM program, written</p> <p>17 is fine. Then he asks, Is this a joint</p> <p>18 Endo/Qualitest program or does each</p> <p>19 company have its own?</p> <p>20 Do you see that e-mail?</p> <p>21 A. Yes.</p> <p>22 Q. And here is your response,</p> <p>23 with your summary of the SOM program,</p> <p>24 approved by legal and Brian Lortie,</p>	<p style="text-align: right;">Page 304</p> <p>1 functioning as one?</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form.</p> <p>4 THE WITNESS: This is the</p> <p>5 document that I have, yes.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. It certainly doesn't state</p> <p>8 standard operating procedure, does it?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form. The document speaks for</p> <p>11 itself.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Does it?</p> <p>14 A. No, it does not.</p> <p>15 Q. Standard operating</p> <p>16 procedures within your company have a</p> <p>17 standard form, correct?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form. Foundation.</p> <p>20 THE WITNESS: I can't</p> <p>21 confirm that.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. You've never seen the</p> <p>24 company's standard operating procedures,</p>
<p style="text-align: right;">Page 303</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Who is Brian Lortie?</p> <p>4 A. At the time, he was -- I</p> <p>5 don't know his title, but he was over the</p> <p>6 branded division.</p> <p>7 Q. Okay. And if we go to the</p> <p>8 second page, this is the SOM's process</p> <p>9 flow?</p> <p>10 A. Yes.</p> <p>11 Q. And the document that</p> <p>12 describes your current process with a</p> <p>13 limited SOM program and the current SAP</p> <p>14 system, correct, ma'am?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form. Asked and answered. We</p> <p>17 covered this document at great</p> <p>18 length, counsel.</p> <p>19 THE WITNESS: We've already</p> <p>20 covered this.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. And this is the document</p> <p>23 you're stating is the standard operating</p> <p>24 procedure, or something that is</p>	<p style="text-align: right;">Page 305</p> <p>1 ma'am?</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form.</p> <p>4 THE WITNESS: I've seen</p> <p>5 some, I'm sure.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. Okay.</p> <p>8 MR. BUCHANAN: Let's pass it</p> <p>9 over.</p> <p>10 MR. SIEGEL: Walker-8.</p> <p>11 - - -</p> <p>12 (Whereupon, EndoWalker</p> <p>13 Exhibit-8,</p> <p>14 ENDO_OPIOID_MDL_05950068, With</p> <p>15 Attachment was marked for</p> <p>16 identification.)</p> <p>17 - - -</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. I'm passing you, ma'am,</p> <p>20 what's been marked as Exhibit-8 to your</p> <p>21 deposition.</p> <p>22 It's from this 2012 window</p> <p>23 we were just looking at with regard to</p> <p>24 the questionnaire. The latest-in-time</p>

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<p>1 e-mail is from you to a Mr. Koumou -- or 2 Ms. Koumou, Janice Koumou. 3 Do you see that? 4 MR. LIMBACHER: She doesn't 5 have it yet. 6 Now she's got it. 7 BY MR. BUCHANAN: 8 Q. Do you see the 9 latest-in-time e-mail at the top from 10 yourself to Ms. Connell? 11 She was your boss at the 12 time? 13 A. Jill was, yes. 14 Q. And Janice Koumou, who is 15 she? 16 A. I don't recall who she is. 17 Q. And as you scroll into this, 18 you can see a list of company's various 19 SOPs, 674.7, the top right corner. 20 Do you see those? 21 A. What number again? 22 Q. 674.7, top right corner. 23 A. Yes. 24 Q. And then it lists various</p>	<p>1 Know Your Customer, Know Your Customer's 2 Customer, things like that. 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: There's none 6 listed. 7 MR. LIMBACHER: Well, he's 8 not -- 9 BY MR. BUCHANAN: 10 Q. To your knowledge, ma'am, 11 are there -- 12 MR. LIMBACHER: -- limiting 13 himself to just that one page, I 14 assume. 15 THE WITNESS: I was just 16 looking at this one page. 17 MR. BUCHANAN: Feel free to 18 turn the pages. 19 MR. LIMBACHER: And, I'm 20 sorry, is the representation that 21 this is a complete listing of the 22 Endo SOPs? 23 BY MR. BUCHANAN: 24 Q. You can answer, ma'am.</p>
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<p>1 SOPs on the left, the titles of the SOPs, 2 and the various departments that are 3 responsible for the SOPs. 4 Do you see those? 5 A. I do. 6 Q. Do you recognize those 7 departments as departments within Endo? 8 A. I recognize those documents. 9 Q. Information management 10 clinical, nonclinical, pharmaceutical 11 development, quality assurance, et 12 cetera. 13 Do you see those? 14 A. I do. 15 Q. And the various titles off 16 to the left, SOP tends to be embedded in 17 the name of the various documents, 18 correct? 19 A. I see it, yes. 20 Q. Just take a moment and 21 review and see, in this listing of SOPs 22 with the company in 2012, whether there 23 are any SOPs for suspicious order 24 monitoring, excessive order management,</p>	<p>1 MR. LIMBACHER: I was asking 2 for a representation. 3 MR. BUCHANAN: I cannot 4 represent what's in your internal 5 systems. I only have what you 6 produced to me. 7 MR. LIMBACHER: We don't 8 know if this is a complete listing 9 of the SOPs. 10 MR. BUCHANAN: If you 11 produced them all to me, then I 12 suppose that would be the 13 representation. But I don't know 14 what you chose to produce or not. 15 BY MR. BUCHANAN: 16 Q. Have you had a chance to 17 look at it, ma'am? 18 A. I have. 19 Q. Did you see any SOPs for 20 suspicious order monitoring? 21 MR. LIMBACHER: Object to 22 form. 23 THE WITNESS: None were 24 listed, no.</p>

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<p style="text-align: right;">Page 310</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Did you see any for Know</p> <p>3 Your Customer?</p> <p>4 MR. LIMBACHER: Object to</p> <p>5 form.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. BUCHANAN:</p> <p>8 Q. Did you see any for customer</p> <p>9 due diligence visits?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. Did you see any for the</p> <p>15 assessment or utilization of chargeback</p> <p>16 information --</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. -- and evaluating suspicious</p> <p>21 orders?</p> <p>22 A. No.</p> <p>23 Q. If we go to the first page</p> <p>24 of this document, 674.1, I just wanted to</p>	<p style="text-align: right;">Page 312</p> <p>1 Q. Okay. So one of the</p> <p>2 documents you forwarded was this customer</p> <p>3 service 2012 curriculum, correct?</p> <p>4 A. I see that attached, yes.</p> <p>5 Q. And then the other thing you</p> <p>6 forwarded was master effective procedural</p> <p>7 documents as of February 8, 2012,</p> <p>8 correct?</p> <p>9 A. Say that again. What do</p> <p>10 you --</p> <p>11 Q. The other document that you</p> <p>12 forwarded was master effective procedural</p> <p>13 documents as of February 8, 2012,</p> <p>14 correct?</p> <p>15 A. February 8th?</p> <p>16 Q. 2/8/2012?</p> <p>17 A. I don't see 2/8/2012</p> <p>18 anywhere.</p> <p>19 MR. LIMBACHER: He's</p> <p>20 referring to here.</p> <p>21 THE WITNESS: Oh, that.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. Do you see that?</p> <p>24 A. I see it, yes.</p>
<p style="text-align: right;">Page 311</p> <p>1 call out, in your exchange with Ms.</p> <p>2 Koumou, it appears that it's you</p> <p>3 forwarding this list of documents,</p> <p>4 correct? There are two files that you</p> <p>5 forwarded?</p> <p>6 A. I don't recall this document</p> <p>7 at all. Just from what you're showing to</p> <p>8 me.</p> <p>9 Q. I'm reading the e-mail that</p> <p>10 was produced to us.</p> <p>11 Do you see two documents</p> <p>12 attached, one, customer service 2012</p> <p>13 curriculum is one item, ma'am?</p> <p>14 MR. LIMBACHER: Which e-mail</p> <p>15 are you referring to, counsel?</p> <p>16 MR. BUCHANAN: It's 674.1.</p> <p>17 MR. LIMBACHER: But which</p> <p>18 e-mail on that page?</p> <p>19 MR. BUCHANAN: It's the</p> <p>20 latest in time.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. Do you see it on the screen,</p> <p>23 ma'am? It's highlighted for you.</p> <p>24 A. I see it, yes.</p>	<p style="text-align: right;">Page 313</p> <p>1 Q. And do you recognize, ma'am,</p> <p>2 these SOPs and procedural documents that</p> <p>3 are listed here to be SOPs of the</p> <p>4 company?</p> <p>5 A. This is back from 2012. I</p> <p>6 don't recall if these were effective or</p> <p>7 not in 2012.</p> <p>8 Q. Well, certainly, at least</p> <p>9 the name of the file that you sent in</p> <p>10 this exchange with Ms. Koumou was, master</p> <p>11 effective procedural documents as of</p> <p>12 February 8th, 2012, correct?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 THE WITNESS: That's what it</p> <p>16 says.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. And in that list of</p> <p>19 documents, as of February 8, 2012, you</p> <p>20 didn't see any SOPs related to suspicious</p> <p>21 order monitoring, correct?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form. Asked and answered.</p> <p>24 THE WITNESS: No.</p>

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<p>1 Suspicious order monitoring is not 2 listed here. 3 But I need to remind you all 4 again that back in 2012, UPS had 5 their own SOM program in place, 6 along with UPS -- along with Endo. 7 BY MR. BUCHANAN: 8 Q. And their own host of 9 problems, right? 10 MR. LIMBACHER: Object to 11 form. Argumentative. 12 THE WITNESS: What are you 13 asking? 14 BY MR. BUCHANAN: 15 Q. I said -- you were 16 highlighting UPS. 17 You know they got written up 18 by the DEA, right? 19 MR. LIMBACHER: Object to 20 form. Argumentative. 21 THE WITNESS: I don't know 22 what you're referring to. 23 BY MR. BUCHANAN: 24 Q. Well, we talked about Know</p>	<p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: I don't know 4 any details about that agreement, 5 if they did or if they didn't. 6 BY MR. BUCHANAN: 7 Q. Were you aware of what was 8 going on with UPS? Were they keeping you 9 aware of the investigation with the DEA? 10 MR. LIMBACHER: Object to 11 form. 12 THE WITNESS: I don't 13 recall. 14 MR. LIMBACHER: And 15 foundation. 16 MR. BUCHANAN: Now is 17 probably as good a time as any. 18 Let's talk about those agreements. 19 BY MR. BUCHANAN: 20 Q. As I understand it, Endo was 21 utilizing UPS -- well, what is LHSI? 22 A. Livingston Healthcare. 23 Q. Did that get acquired by 24 UPS?</p>
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<p>1 Your Customer. 2 How about know your vendor? 3 Did UPS get in trouble with DEA, ma'am? 4 MR. LIMBACHER: Object to 5 form. Foundation. 6 THE WITNESS: I don't know 7 exactly what you are -- what 8 you're referring to. 9 BY MR. BUCHANAN: 10 Q. What are you thinking of 11 when I say that? 12 MR. LIMBACHER: Object to 13 form. 14 THE WITNESS: I believe 15 you're referring to the UPS small 16 package side of the business, 17 which is completely different and 18 separate from the UPS Supply Chain 19 Solutions side of the business. 20 I believe that's what you 21 are referring to. 22 BY MR. BUCHANAN: 23 Q. Did they enter into an 24 agreement with the DEA?</p>	<p>1 A. Yes, they did. 2 Q. Endo was using UPS, or that 3 predecessor company, to do order 4 fulfillments since '98, correct? 5 A. We entered into an agreement 6 with them in January of -- sorry, in 7 April of 1999 is when they started. 8 Q. Okay. 9 MR. BUCHANAN: Can I have 10 597, 598 and 600 in sequence, 11 please? 12 MR. SIEGEL: 597 is 13 Exhibit-9. 598 is Exhibit-10. 14 And 600 is Exhibit-11. 15 - - - 16 (Whereupon, EndoWalker 17 Exhibit-9, UPSSCS0002916-935, was 18 marked for identification.) 19 - - - 20 (Whereupon, EndoWalker 21 Exhibit-10, UPSSCS0002991-3029, 22 was marked for identification.) 23 - - - 24 (Whereupon, EndoWalker</p>

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<p style="text-align: right;">Page 318</p> <p>1 Exhibit-11, 2 ENDO_OPIOID_MDL_02060862-891, was 3 marked for identification.) 4 - - - 5 MR. BUCHANAN: Can we start 6 with 597 on the screen, please? 7 That's Exhibit-9. 8 BY MR. BUCHANAN: 9 Q. Ma'am, I'm passing you over 10 what's been marked as Exhibit-9 to your 11 deposition. It's an agreement between 12 Endo Pharmaceuticals and Livingston 13 Healthcare Services, Inc. 14 MR. LIMBACHER: She doesn't 15 have it yet, counsel. 16 This is 9, but not 10 and 17 11. 18 MR. BUCHANAN: 9 is what 19 we're referring to. 20 MR. LIMBACHER: You want me 21 to show her 9 now -- 22 MR. BUCHANAN: Sure. 23 MR. LIMBACHER: -- because I 24 got 9, 10 and 11.</p>	<p style="text-align: right;">Page 320</p> <p>1 UPS? 2 A. From what I remember, yes. 3 Q. Okay. Let's go to 4 Exhibit-10. 5 Exhibit-10 is an agreement 6 between Endo Pharmaceuticals and 7 Livingston Healthcare Services, Inc., 8 effective February 1, 2000. It states, 9 Execution copy February 1, 2000. 10 Do you recognize this, 11 ma'am, as the next agreement between Endo 12 Pharmaceuticals and Livingston Healthcare 13 Services, Inc. -- 14 MR. LIMBACHER: Object to 15 form. 16 BY MR. BUCHANAN: 17 Q. -- with regard to what was 18 later called UPS's functions in 19 fulfilling Endo's orders? 20 MR. LIMBACHER: Object to 21 form. 22 THE WITNESS: UPS Supply 23 Chain Solutions, yes. 24 BY MR. BUCHANAN:</p>
<p style="text-align: right;">Page 319</p> <p>1 BY MR. BUCHANAN: 2 Q. Do you have before you 3 what's been marked as Exhibit-9, an 4 agreement between Endo Pharmaceuticals 5 and Livingston Healthcare, ma'am? 6 A. I have it. 7 Q. Dated April 1, '99? 8 A. Uh-huh. 9 Q. Have you seen this agreement 10 before? 11 A. I have, yes. 12 Q. And was this the operating 13 agreement at the outset of the formation 14 of Endo with regard to the relationship 15 with Livingston Healthcare Services? 16 MR. LIMBACHER: Object to 17 form. 18 THE WITNESS: I believe so. 19 It was at the time. 20 BY MR. BUCHANAN: 21 Q. Do you recognize this as the 22 earliest operative agreement between Endo 23 Pharmaceuticals and Livingston Healthcare 24 Services, which was later acquired by</p>	<p style="text-align: right;">Page 321</p> <p>1 Q. Thank you. Let's go to 2 Exhibit-11. 3 And I'll represent to you, 4 ma'am, that this is the next one that 5 we're aware of, I don't know if this is 6 the next one in sequence, the next one 7 they had, but Exhibit-11 is service 8 schedule Number 1, warehouse distribution 9 services, an agreement between UPS Supply 10 Chain Solutions, Inc. and Endo 11 Pharmaceuticals, Inc. 12 Do you recognize this 13 agreement, ma'am? 14 A. I do. 15 Q. Are you aware of any 16 agreements between Exhibit-10 and 17 Exhibit-11, date wise, meaning between 18 2000 and 2010, that concern the 19 relationship between Endo and UPS Supply 20 Chain Solutions? 21 MR. LIMBACHER: Object to 22 form. 23 Counsel, do you have a date 24 on Exhibit-11?</p>

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<p style="text-align: right;">Page 322</p> <p>1 MR. BUCHANAN: I think I 2 just said 2010. 3 MR. LIMBACHER: I just can't 4 read the date on the top right 5 corner. 6 MR. BUCHANAN: I think it's 7 in the second line. You can 8 see -- 9 MR. LIMBACHER: Okay. I 10 see. Thank you. 11 THE WITNESS: What was your 12 question, please? 13 BY MR. BUCHANAN: 14 Q. My question was, are you 15 aware of any agreements between Endo and 16 UPS Supply Chain Solutions between in 17 that ten-year period other than, I 18 suppose, the two bookends we have, 19 Exhibits-10 and 11? 20 A. From what I recall, I 21 believe this agreement and then we have 22 this new one. 23 Q. Okay. 24 A. I don't believe there was</p>	<p style="text-align: right;">Page 324</p> <p>1 marked for identification.) 2 - - - 3 BY MR. BUCHANAN: 4 Q. Ma'am, what's marked as 5 Exhibit-12 is an e-mail from a Mr. Miller 6 at UPS to yourself, attaching -- the 7 subject is, WEP-04-04.03, order entry. 8 And on the next page, we see 9 a document named, Order entry for UPS 10 Supply Chain Solutions with the client 11 Endo Pharmaceuticals. 12 Do you see that? 13 A. I do. 14 Q. A document you're familiar 15 with? 16 A. I am. 17 Q. And is this the version of 18 Endo's work instructions with UPS from 19 this period of time in 2008, the 20 operative agreement? I should say the 21 operative work instructions. 22 A. During the time frame of 23 2008? 24 Q. Yes, ma'am.</p>
<p style="text-align: right;">Page 323</p> <p>1 another agreement in between. 2 Q. Okay. So there were two -- 3 the two originating agreements with 4 Livingston Healthcare and then we have 5 the 2010 agreement with UPS Supply Chain 6 Solutions; is that correct? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: From what I 10 recall, yes. 11 BY MR. BUCHANAN: 12 Q. Okay. In connection with 13 your relationship with UPS, you crafted 14 work instructions over the years; is that 15 right? 16 A. Yes, we have. 17 MR. BUCHANAN: Could I 18 please have 656 and 655? 19 MR. SIEGEL: 655 is being 20 marked as Exhibit-12. 21 - - - 22 (Whereupon, EndoWalker 23 Exhibit-12, 24 ENDO_OPIOID_MDL_02988138-145, was</p>	<p style="text-align: right;">Page 325</p> <p>1 A. I would believe so. 2 Q. Okay. 3 A. There's no effective date, 4 so I don't know if we're looking at the 5 right document. 6 Q. Where do you keep the work 7 instructions over the years that you've 8 had with UPS, ma'am? 9 A. UPS -- 10 MR. LIMBACHER: Object to 11 form. 12 THE WITNESS: They are a 13 UPS-controlled document, so they 14 rely -- they are housed with UPS. 15 But Endo, we receive copies of 16 them. 17 BY MR. BUCHANAN: 18 Q. Right. I take it, for this 19 relationship to work, you need to 20 understand what roles you have and what 21 roles they have, right? 22 A. Correct. The work 23 instructions are developed in conjunction 24 with both Endo and UPS, but they are a</p>

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<p>1 UPS-controlled document.</p> <p>2 Q. Understood. The work</p> <p>3 instructions are what guide how they are</p> <p>4 handling things within their walls but</p> <p>5 they, nonetheless, provide you an</p> <p>6 opportunity to give feedback because</p> <p>7 you're hiring them to do that function,</p> <p>8 right?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: UPS has</p> <p>12 corporate SOPs. And then they</p> <p>13 have client-specific work</p> <p>14 instructions. These work</p> <p>15 instructions are for Endo, for the</p> <p>16 Endo business.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Okay. And so these would</p> <p>19 have been shared with you, and you would</p> <p>20 have had an opportunity to provide input</p> <p>21 on them, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And did you?</p> <p>24 A. I would assume I did, yes.</p>	<p>1 another version other than this one, are</p> <p>2 you aware of many other versions of the</p> <p>3 work instructions entitled order entry?</p> <p>4 MR. LIMBACHER: Object to</p> <p>5 form.</p> <p>6 THE WITNESS: Based on UPS's</p> <p>7 policy, most work instructions are</p> <p>8 reviewed every two years. So</p> <p>9 since this is dated 2008, you</p> <p>10 would assume that there's another</p> <p>11 version.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Without assuming, are you</p> <p>14 aware of any changes that have been made</p> <p>15 to this work instruction?</p> <p>16 A. I would have to review this</p> <p>17 work instruction and review the current</p> <p>18 one that we have in place --</p> <p>19 Q. Okay.</p> <p>20 A. -- to confirm that.</p> <p>21 Q. And to review the current</p> <p>22 one in place, you would go to the binder</p> <p>23 you keep in your office, or in your work</p> <p>24 space?</p>
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<p>1 Q. Okay. Do you keep a file of</p> <p>2 these somewhere in your department?</p> <p>3 A. Yes. I have a binder of</p> <p>4 them.</p> <p>5 Q. You have the binder of the</p> <p>6 current versions as well as the old</p> <p>7 versions?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: I normally</p> <p>11 just keep the current versions.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Is this still the current</p> <p>14 version of the -- what's referred to as</p> <p>15 order entry or the work instructions for</p> <p>16 order entry?</p> <p>17 A. As of today?</p> <p>18 Q. Yes.</p> <p>19 A. I do not believe so. I</p> <p>20 believe there's another version, but I</p> <p>21 can't confirm that without having the</p> <p>22 documents.</p> <p>23 Q. Aside from the sense you</p> <p>24 have in your body right now that there is</p>	<p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. Or UPS will send it to me</p> <p>4 electronically. Either one.</p> <p>5 Q. Have you ever asked UPS for</p> <p>6 all the old work instructions?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: The old work</p> <p>10 instructions that are no longer</p> <p>11 effective? No.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. In your practice when you've</p> <p>14 asked UPS for a document, do they share</p> <p>15 it with you?</p> <p>16 A. Yes.</p> <p>17 Q. As in the case of work</p> <p>18 instructions, if you ask for one, they</p> <p>19 would give it to you?</p> <p>20 A. For a work instruction, yes,</p> <p>21 they would.</p> <p>22 Q. Okay.</p> <p>23 MR. BUCHANAN: Could we pass</p> <p>24 the witness what we're marking as</p>

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<p style="text-align: right;">Page 330</p> <p>1 656?</p> <p>2 MR. SIEGEL: Walker</p> <p>3 Exhibit-13.</p> <p>4 - - -</p> <p>5 (Whereupon, EndoWalker</p> <p>6 Exhibit-13,</p> <p>7 ENDO_OPIOID_MDL_01680920-975, was</p> <p>8 marked for identification.)</p> <p>9 - - -</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. I'm passing you, ma'am,</p> <p>12 what's been marked as Exhibit-13 to your</p> <p>13 deposition.</p> <p>14 A. Thanks.</p> <p>15 Q. This is a work instruction</p> <p>16 entitled, Order processing.</p> <p>17 Do you see that? I'm sorry.</p> <p>18 There's a cover e-mail, I was going to</p> <p>19 direct you to Page .12. You're free to</p> <p>20 look at the intervening pages, but --</p> <p>21 A. I see it.</p> <p>22 Q. Okay. Can we go to .12?</p> <p>23 A. .12? Order processing.</p> <p>24 This one, order processing?</p>	<p style="text-align: right;">Page 332</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Okay. Where are you</p> <p>3 referring? What page are you on? I just</p> <p>4 can't see over the table.</p> <p>5 A. .15.</p> <p>6 Q. Thank you.</p> <p>7 Would that be the controlled</p> <p>8 substance excess order check?</p> <p>9 A. Yes.</p> <p>10 Q. And just to orient us,</p> <p>11 ma'am, this would be UPS's workflow with</p> <p>12 regard to order processing after its been</p> <p>13 released to them by Endo, fair?</p> <p>14 A. No, that's incorrect.</p> <p>15 Q. Okay. What is it?</p> <p>16 A. This is the process within</p> <p>17 Endo's SAP system. Once the order gets</p> <p>18 down to UPS's SOM program, it's a</p> <p>19 completely different group and a</p> <p>20 different process that reviews those</p> <p>21 orders.</p> <p>22 Q. Okay. So let's make sure we</p> <p>23 understand this now. 4.3.7, Controlled</p> <p>24 Substance Excessive Order Check.</p>
<p style="text-align: right;">Page 331</p> <p>1 MR. LIMBACHER: No, he's</p> <p>2 looking at these.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Top right corner, I'm sorry,</p> <p>5 ma'am.</p> <p>6 A. This one?</p> <p>7 MR. LIMBACHER: Yes.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Do you see that work</p> <p>10 instruction?</p> <p>11 A. Order processing, I do.</p> <p>12 Q. Is that a work instruction</p> <p>13 that you recognize?</p> <p>14 A. It is.</p> <p>15 Q. Something that's been shared</p> <p>16 with you in the past?</p> <p>17 A. Yes, it has.</p> <p>18 Q. Is this the work instruction</p> <p>19 with UPS that governs the handling of</p> <p>20 orders for controlled substances?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: Yes, it</p> <p>24 references controlled substances.</p>	<p style="text-align: right;">Page 333</p> <p>1 Do you see that heading?</p> <p>2 A. I do.</p> <p>3 Q. Customer service must print</p> <p>4 this report several times per day in</p> <p>5 order to resolve excessive order lines</p> <p>6 prior to cutoff time where feasible.</p> <p>7 This includes the release of CSOS orders.</p> <p>8 Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. CSOS, that's controlled</p> <p>11 substance ordering system?</p> <p>12 A. Correct. That's the</p> <p>13 electronic version of a controlled order.</p> <p>14 Q. Right. So in the old days,</p> <p>15 it was more prevalent for people to fill</p> <p>16 out a piece of paper and fax it or send</p> <p>17 it; more recently, there's an electronic</p> <p>18 system to allow controlled substance</p> <p>19 orders to come in?</p> <p>20 A. Right. Previously, it was a</p> <p>21 DEA Form 222. Now it's an electronic</p> <p>22 version.</p> <p>23 Q. And then it says, next line</p> <p>24 item, 4.3.7.2, The Endo associate</p>

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<p style="text-align: right;">Page 334</p> <p>1 director of customer service and 2 distribution either approves the order to 3 be released or contacts the customer to 4 obtain more information. 5 Did I read that correctly? 6 A. You did. 7 Q. If the order is greater than 8 the average of the customer's last three- 9 and twelve-month usage, the CMA contacts 10 Endo's associate director of customer 11 service. 12 Did I read that correctly? 13 A. Uh-huh. 14 Q. CMA is at UPS Supply Chain 15 Services? 16 A. The CMA is another word for 17 customer service rep at UPS, yes. 18 Q. [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 A. Yes. 23 Q. Okay. The associate 24 director may instruct customer service to</p>	<p style="text-align: right;">Page 336</p> <p>1 Q. That the UPS customer 2 service rep would review excessive orders 3 and release them from excessive hold if 4 [REDACTED] 5 A. So I want to make sure that 6 we're all clear on what we're actually 7 looking at. 8 So UPS Supply Chain 9 Solutions's customer service uses Endo's 10 SAP system. So this is all related to 11 Endo SAP system. 12 So when you're talking about 13 UPS releasing orders, it's with -- this 14 is the Endo system. When Endo's are 15 released and sent to UPS, it goes through 16 UPS's SOM program, which is completely 17 separate from any -- completely separate 18 from this work instruction document. 19 I just want to make sure 20 everybody is on the same page on how this 21 is working. 22 Q. That's helpful to 23 understand. 24 What you're saying is that</p>
<p style="text-align: right;">Page 335</p> <p>1 contact the customer to verify the amount 2 ordered and request an explanation as to 3 why their order was excessive, new 4 customer, new contracts, increased sales 5 or release the order. 6 Do you see that? 7 A. I do. 8 Q. CMA must enter the 9 explanation in the order notes, along 10 with the contact name of the customer. 11 Did I read that correctly? 12 A. Yes. 13 Q. Next line says, The CMA 14 reviews excessive orders and releases 15 them from excessive hold [REDACTED] 16 [REDACTED]. 17 Did I read that correctly? 18 A. You did. 19 Q. Were you aware of that? 20 MR. LIMBACHER: Object to 21 form. 22 THE WITNESS: Was I aware of 23 what? 24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 337</p> <p>1 you had people physically seated in an 2 UPS facility that were actually working 3 on -- they were UPS employees, but they 4 were working on your SAP system? 5 A. Yes. The Endo customer 6 service group is at UPS, and they are 7 dedicated to Endo. 8 Q. Okay. Just in terms of 9 where they get their paycheck, are they 10 UPS employees or are they Endo employees? 11 MR. LIMBACHER: Object to 12 form. 13 THE WITNESS: They are UPS 14 employees. 15 BY MR. BUCHANAN: 16 Q. Okay. So the UPS employees 17 are the employees doing the first check 18 on Endo's rules for excessive order 19 monitoring? 20 A. Correct. In conjunction 21 with myself at Endo, yes. Yes, that's 22 correct. 23 But just for clarification 24 again, the UPS SOM program and people are</p>

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<p style="text-align: right;">Page 338</p> <p>1 not part of this group. It's a</p> <p>2 completely separate group within the</p> <p>3 regulatory system.</p> <p>4 Q. Okay. So let me just make</p> <p>5 sure I'm understanding this, then.</p> <p>6 So this controlled substance</p> <p>7 excessive order check that's in the work</p> <p>8 instructions for UPS, this is -- would</p> <p>9 actually be what was, quote, Endo's</p> <p>10 process within its SAP system as of this</p> <p>11 point in time; is that fair?</p> <p>12 A. Right. Whatever point in</p> <p>13 time these work instructions are</p> <p>14 effective. I think this is under our</p> <p>15 older program. But yes.</p> <p>16 Q. So this is 2008. And what</p> <p>17 this says is, what we were looking at to</p> <p>18 make an assessment of whether it's an</p> <p>19 excessive order under Endo's rules at the</p> <p>20 time was whether it was greater than the</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 A. Right. These was -- these</p> <p>24 are work instructions before our update</p>	<p style="text-align: right;">Page 340</p> <p>1 THE WITNESS: What's the --</p> <p>2 clarify your question.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Do you see 4.3.7.3?</p> <p>5 A. I do.</p> <p>6 Q. Is that the general</p> <p>7 algorithm that was Endo's suspicious</p> <p>8 order flag up until 2014?</p> <p>9 A. At this time the three- and</p> <p>10 twelve-month, that's correct.</p> <p>11 Q. Up until 2014, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So that would have</p> <p>14 been the -- what would have, quote,</p> <p>15 tripped the wire up until 2014?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. Correct?</p> <p>20 A. The order potentially could</p> <p>21 kick out and a review would be done.</p> <p>22 And, again, once the order</p> <p>23 is released, it's sent to UPS and it goes</p> <p>24 through UPS's SOM program, which is a</p>
<p style="text-align: right;">Page 339</p> <p>1 to SAP in '14.</p> <p>2 Q. Okay. So that was the</p> <p>3 general rule that you were applying to</p> <p>4 flag an excessive order from Endo's</p> <p>5 suspicious order monitoring process up</p> <p>6 until 2014?</p> <p>7 A. [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 Q. As a practical matter, it</p> <p>10 was UPS employees who would be reviewing</p> <p>11 those flags?</p> <p>12 A. In conjunction with Endo;</p> <p>13 based on Endo's processes and based on</p> <p>14 Endo's direction, yes.</p> <p>15 Q. Right.</p> <p>16 A. Correct.</p> <p>17 Q. So they were UPS employees</p> <p>18 assessing orders as to whether they were</p> <p>19 excessive or not based on the algorithm</p> <p>20 that's reflected in 4.3.7.3, correct?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form. Misstates the document.</p> <p>23 Misstates the evidence. Misstates</p> <p>24 her testimony.</p>	<p style="text-align: right;">Page 341</p> <p>1 completely separate group than this.</p> <p>2 Q. So what's happening here is</p> <p>3 that the UPS employees are then reviewing</p> <p>4 the orders that kick out, correct?</p> <p>5 A. The U -- to clarify, it's</p> <p>6 the customer service team assigned to</p> <p>7 Endo, not the regulatory team. The UPS</p> <p>8 customer service team assigned to Endo</p> <p>9 looking at the Endo SAP system.</p> <p>10 Q. The UPS customer service</p> <p>11 team that was performing at least the</p> <p>12 first review of suspicious orders using</p> <p>13 Endo's suspicious order or excessive</p> <p>14 order test?</p> <p>15 A. Correct. Right.</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. So orders that were kicked</p> <p>20 out as being excessive by that test would</p> <p>21 then get reviewed by the UPS customer</p> <p>22 service people, right?</p> <p>23 MR. LIMBACHER: Object to</p> <p>24 form.</p>

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<p style="text-align: right;">Page 342</p> <p>1 THE WITNESS: Correct. In 2 conjunction with Endo, if they had 3 questions based on our work 4 instructions. 5 BY MR. BUCHANAN: 6 Q. And by the work instructions 7 that you guys had agreed on, the customer 8 service representative from UPS could 9 release an excessive order if the 10 [REDACTED] 11 correct? 12 MR. LIMBACHER: Object to 13 form. 14 THE WITNESS: That's what 15 this states, yes. 16 BY MR. BUCHANAN: 17 Q. And that was the practice 18 that would have been followed under these 19 work instructions until they changed, 20 correct? 21 MR. LIMBACHER: Object to 22 form. 23 THE WITNESS: Correct. 24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 344</p> <p>1 probably upgraded their system in 2 '14. 3 BY MR. BUCHANAN: 4 Q. Do you know that? 5 A. Do I know the work 6 instructions change? I know that we have 7 current work instructions, yes. 8 Q. Do your current work 9 instructions, ma'am, do they allow an 10 order to be cleared if it's just less 11 [REDACTED] 12 A. I would have to look at the 13 current work instructions. I can't 14 confirm that right now. 15 Q. Okay. In other words, when 16 we talk about an order clearing, that 17 means you don't have to do further 18 investigation [REDACTED] 19 [REDACTED]? 20 MR. LIMBACHER: Object to 21 form. 22 THE WITNESS: That's what it 23 states. 24 BY MR. BUCHANAN:</p>
<p style="text-align: right;">Page 343</p> <p>1 Q. These were, quote, the rules 2 of the road for Endo's excessive order 3 flagging and clearing until 2014, right? 4 A. Right. 5 MR. LIMBACHER: Object to 6 form. 7 THE WITNESS: Sorry. 8 But, again, you know, I'm 9 repeating myself, I know. But 10 once they are released from our 11 system, they go through UPS's SOM 12 program before they are released 13 for shipping, which is a 14 completely separate algorithm, 15 separate system. 16 BY MR. BUCHANAN: 17 Q. When did the work 18 instruction change with regard to 19 [REDACTED] 20 [REDACTED] 21 MR. LIMBACHER: Object to 22 form. 23 THE WITNESS: I don't have 24 the exact date, but when SAP</p>	<p style="text-align: right;">Page 345</p> <p>1 Q. Okay. And that's what you 2 did? 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: We had an 6 excessive program in place, and we 7 reviewed them and we released the 8 orders as appropriate. 9 BY MR. BUCHANAN: 10 Q. And one of the reasons to 11 release an order was if it was smaller 12 [REDACTED]? 13 A. We had our program in place. 14 MR. BUCHANAN: We're getting 15 some feedback on the phone. I 16 don't know if somebody doesn't 17 have their phone on mute. 18 BY MR. BUCHANAN: 19 Q. All right. And so if the 20 order was [REDACTED], that 21 would be something that would have been 22 coordinated with the Endo supervisor; is 23 that right? 24 A. Yes.</p>

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<p>1 Q. Is the Endo supervisor you?</p> <p>2 A. Probably at that time, yes.</p> <p>3 Q. Okay. Were you ever</p> <p>4 physically at the same facility, ma'am,</p> <p>5 with these UPS customer service people</p> <p>6 that were doing this first-level review?</p> <p>7 A. Yes, I visit the UPS sites.</p> <p>8 Q. Not a matter of whether you</p> <p>9 visited them.</p> <p>10 Were you physically ever</p> <p>11 present and working in that environment?</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 THE WITNESS: No, I work out</p> <p>15 of the Malvern office. But I do</p> <p>16 visit UPS.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Was that -- so that work was</p> <p>19 happening remote from where you were on a</p> <p>20 day-to-day basis?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 MR. LIMBACHER: Whenever is</p> <p>24 a good time to stop.</p>	<p>1 Q. -- right?</p> <p>2 A. We had our program in place,</p> <p>3 and we reviewed them and we released</p> <p>4 them, yes.</p> <p>5 Q. And then let's go to</p> <p>6 4.3.7.9. Endo's associate director of</p> <p>7 customer service and distribution</p> <p>8 reserves the right to reduce the quantity</p> <p>9 ordered and/or advise the deletion of an</p> <p>10 order.</p> <p>11 Do you see that?</p> <p>12 A. Yes, I see it.</p> <p>13 Q. Is that you?</p> <p>14 A. Yes, it was at the time.</p> <p>15 Q. So you could structure an</p> <p>16 order if it was excessive?</p> <p>17 A. I could what?</p> <p>18 Q. You could reduce the size of</p> <p>19 an order so it stayed below an excessive</p> <p>20 threshold and then still ship?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: No, I don't</p> <p>24 believe that's what that says.</p>
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<p>1 MR. BUCHANAN: Can you go a</p> <p>2 few more minutes, just so I can</p> <p>3 finish this?</p> <p>4 MR. LIMBACHER: Are you okay</p> <p>5 for a few more minutes?</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. BUCHANAN:</p> <p>8 Q. And then it says, The CMA</p> <p>9 will release the excessive order based on</p> <p>10 one of the following excessive release</p> <p>11 codes.</p> <p>12 Right?</p> <p>13 A. Yes, that was in our old</p> <p>14 system.</p> <p>15 Q. And these were the</p> <p>16 documents -- this was the documentation</p> <p>17 you would log into the system, 8050,</p> <p>18 release due to growth factor, right?</p> <p>19 A. Yes.</p> <p>20 Q. Customer tells you they're</p> <p>21 selling more, release it --</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 BY MR. BUCHANAN:</p>	<p>1 BY MR. BUCHANAN:</p> <p>2 Q. Does it say you had the</p> <p>3 right to reduce the quantity ordered</p> <p>4 and/or advise the deletion of an order?</p> <p>5 A. If we deemed it suspicious</p> <p>6 and we didn't want to ship it, yes. But</p> <p>7 I don't recall us ever doing that.</p> <p>8 Q. Okay. You don't recall ever</p> <p>9 reducing the size of an order to allow it</p> <p>10 to ship?</p> <p>11 A. No, I do not.</p> <p>12 MR. LIMBACHER: Object to</p> <p>13 form.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. Do you have an understanding</p> <p>16 as to whether that would be appropriate</p> <p>17 or not, ma'am?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form.</p> <p>20 THE WITNESS: We had an</p> <p>21 excessive program in place that</p> <p>22 monitored our orders, and we would</p> <p>23 review and release.</p> <p>24 BY MR. BUCHANAN:</p>

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<p>1 Q. Was it your understanding, 2 ma'am, that it was permissible for you to 3 reduce the size of the order so that it 4 would no longer be excessive in the 5 shipment and then clear it? 6 A. I don't recall that. 7 MR. LIMBACHER: Object to 8 form. 9 BY MR. BUCHANAN: 10 Q. My question is, is it your 11 understanding that that would be 12 appropriate to do that? 13 A. I don't recall. 14 Q. In fact, did you later 15 learn, ma'am, that if you had done such a 16 thing that that would, in fact, be 17 something that you would have to report 18 to the DEA? 19 MR. LIMBACHER: Object to 20 form. 21 THE WITNESS: I don't 22 recall. We had excessive programs 23 in place and so did UPS, and our 24 orders were monitored and they</p>	<p>1 excessive program in place and UPS 2 had an SOM program in place, and 3 orders were filtered through both 4 programs and reviewed and shipped 5 as necessary. 6 And I don't recall an order 7 being deemed as suspicious and 8 reported to the DEA. 9 BY MR. BUCHANAN: 10 Q. Do you recall ever cutting 11 an order in size, ma'am -- 12 A. No, I do not. 13 Q. -- so it was no longer 14 excessive in size? 15 A. No, I do not. 16 MR. LIMBACHER: Object to 17 form. Asked and answered. 18 THE WITNESS: I do not 19 recall. 20 BY MR. BUCHANAN: 21 Q. Do you recall ever 22 authorizing people on your staff to cut 23 the size of an order so that it was no 24 longer excessive?</p>
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<p>1 were shipped as appropriate, 2 between both the companies and 3 both our systems and both our 4 programs. 5 BY MR. BUCHANAN: 6 Q. And if you had cut an order 7 and hadn't reported it to the DEA, that 8 would not be appropriate, would it, 9 ma'am? 10 MR. LIMBACHER: Object to 11 form. Foundation. 12 THE WITNESS: I don't 13 recall. 14 BY MR. BUCHANAN: 15 Q. If you had an order that was 16 excessive, in order to make it not 17 excessive as to quantity, as to size, as 18 to frequency, you had to reduce its size 19 or reduce the quantity, that would be 20 something you would have to report to the 21 DEA, right? 22 MR. LIMBACHER: Object to 23 form. Asked and answered. 24 THE WITNESS: We had an</p>	<p>1 A. No. 2 MR. LIMBACHER: Object to 3 form. Asked and answered. 4 BY MR. BUCHANAN: 5 Q. Would that be appropriate to 6 do, ma'am? 7 MR. LIMBACHER: Object to 8 form. Asked and answered. 9 THE WITNESS: We had an 10 excessive program in place, at 11 both Endo and at UPS. 12 BY MR. BUCHANAN: 13 Q. How is that responsive to my 14 question? 15 A. I'm telling you what we had 16 in place. 17 Q. I'm not asking you that. 18 A. Well, that's what I'm 19 telling you. 20 Q. I'm asking you -- the way 21 this works is we have questions and 22 answers. I think you understand that by 23 this point in time. 24 My question to you, ma'am,</p>

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<p style="text-align: right;">Page 354</p> <p>1 is, to your understanding, would it be 2 appropriate for a company to cut -- for 3 you, in your role in suspicious order 4 monitoring, to cut an order in size that 5 had been flagged as excessive and then 6 ship it once it's no longer excessive and 7 not report that to the DEA? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: I don't 11 recall. 12 MR. BUCHANAN: We can take a 13 break. 14 VIDEO TECHNICIAN: We are 15 going off record. The time is 16 2:36. 17 - - - 18 (Whereupon, a brief recess 19 was taken.) 20 - - - 21 VIDEO TECHNICIAN: We're 22 back on the record. Beginning of 23 Media File Number 6. The time is 24 2:54.</p>	<p style="text-align: right;">Page 356</p> <p>1 It's an e-mail from yourself 2 to Kayla Keinhofer, Robert Stuart and 3 Doug Azzalina and a couple of ccs on 4 there. 5 Do you see that? 6 A. Yes. 7 Q. And it's referring to an 8 interaction that you had with McKesson in 9 2009 relating to the shipment or 10 nonshipment of orders. 11 Do you recall that? 12 A. I'm sorry, I was reading the 13 document. 14 Can you please repeat that. 15 Q. Sure. It's recalling to 16 certain McKesson service level penalties? 17 A. Okay, yes. 18 Q. In your agreement with 19 McKesson, were you required to ship a 20 minimum percentage of their order, 21 regardless? 22 MR. LIMBACHER: Object to 23 form. 24 THE WITNESS: This is back</p>
<p style="text-align: right;">Page 355</p> <p>1 MR. BUCHANAN: Can I have 2 659, please, Scott, next in order? 3 MR. SIEGEL: 659 is being 4 marked as Walker-14. 5 - - - 6 (Whereupon, EndoWalker 7 Exhibit-14, 8 ENDO_OPIOID_MDL_05948106-137, was 9 marked for identification.) 10 - - - 11 BY MR. BUCHANAN: 12 Q. I'm passing you, ma'am, 13 what's been marked as Exhibit-14 to your 14 deposition. 15 It's an e-mail exchange. 16 I'm going to direct you to one of the 17 constituent e-mails. It looks like this 18 was kind of assembled as a compilation of 19 some form. 20 I'm going to direct your 21 attention to .27, top right corner. It's 22 an e-mail from yourself -- 23 A. Sorry, you said 27? 24 Q. .27, yes, top right corner.</p>	<p style="text-align: right;">Page 357</p> <p>1 from 2010. I don't recall. I 2 would have to look at the actual 3 document. 4 BY MR. BUCHANAN: 5 Q. Let's read the e-mail, 6 Monday, May 10, 2010. 7 As we discussed last week 8 during our meeting, attached is the list 9 of POs that McKesson ordered during the 10 last two weeks in December. This 11 spreadsheet lists the PO number, order 12 quantity, ship quantity and dates. I 13 know within the agreement there is 14 language around us shipping at least 20 15 percent of their order quantities. I'm 16 not sure of the exact language. 17 Did I read that correctly, 18 ma'am? 19 A. Yes. 20 Q. Are you familiar with 21 service level agreements you had with 22 various of your distributors over time? 23 A. I know the generic side of 24 the business had service level</p>

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<p style="text-align: right;">Page 358</p> <p>1 agreements, yes.</p> <p>2 Q. Okay. It notes on the</p> <p>3 bottom, McKesson ordered three times</p> <p>4 their normal order amount.</p> <p>5 Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. Would three times the normal</p> <p>8 order amount be excessive, ma'am?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: To ground</p> <p>12 everybody, based on these dates,</p> <p>13 this is during a holiday period,</p> <p>14 there is a lot of shifting of</p> <p>15 orders, shutdown periods, that</p> <p>16 kind of stuff.</p> <p>17 So just because it says</p> <p>18 three times the normal amount,</p> <p>19 that doesn't mean it's actually</p> <p>20 excessive, it could be because of</p> <p>21 the holiday period, because we had</p> <p>22 shipped to them for multiple</p> <p>23 weeks.</p> <p>24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 360</p> <p>1 over the table to you. You can set that</p> <p>2 one aside.</p> <p>3 A. Not this one?</p> <p>4 Q. We'll probably come back to</p> <p>5 that one in a moment.</p> <p>6 Do you have the e-mail</p> <p>7 before you, ma'am?</p> <p>8 A. Yes, I do.</p> <p>9 Q. It's an e-mail exchange</p> <p>10 between yourself, internal Endo people,</p> <p>11 and UPS folks concerning some orders that</p> <p>12 were coming in, correct?</p> <p>13 A. Yes.</p> <p>14 Q. I guess the earliest in time</p> <p>15 would be back on, let's see, 2 at the</p> <p>16 bottom, an e-mail from yourself on</p> <p>17 February 21, 2012 to Patricia Drayton,</p> <p>18 Linda Cichocki, Deborah Robertson and</p> <p>19 others with UPS, correct?</p> <p>20 A. Yes.</p> <p>21 MR. LIMBACHER: Take your</p> <p>22 time and read the document.</p> <p>23 THE WITNESS: I know what it</p> <p>24 is.</p>
<p style="text-align: right;">Page 359</p> <p>1 Q. You wouldn't be surprised if</p> <p>2 that order would have tripped an</p> <p>3 excessive flag, though, correct?</p> <p>4 A. Correct. But there's a</p> <p>5 valid reason that it would kick out as</p> <p>6 excessive.</p> <p>7 MR. BUCHANAN: You can take</p> <p>8 that down. 684, please, Scott.</p> <p>9 MR. SIEGEL: 684 is</p> <p>10 Exhibit-15.</p> <p>11 MR. BUCHANAN: And if you</p> <p>12 could pull it up on the screen.</p> <p>13 - - -</p> <p>14 (Whereupon, EndoWalker</p> <p>15 Exhibit-15,</p> <p>16 ENDO_OPIOID_MDL_05962953-956, was</p> <p>17 marked for identification.)</p> <p>18 - - -</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. This is an e-mail from</p> <p>21 February 21, 2012 from yourself to a Mr.</p> <p>22 Jennings, Weeks and Cheryl Matz, all at</p> <p>23 UPS.</p> <p>24 There's a new exhibit coming</p>	<p style="text-align: right;">Page 361</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. It's an order of Opana ER,</p> <p>3 10 milligram, C-II.</p> <p>4 Is that Schedule II?</p> <p>5 A. Yes, it is.</p> <p>6 Q. Controlled substances?</p> <p>7 A. Controlled substance II,</p> <p>8 yes.</p> <p>9 Q. Which would fit; Opana ER</p> <p>10 was a controlled substance, correct?</p> <p>11 A. Correct, it is.</p> <p>12 Q. And to finish the subject</p> <p>13 line, it says, Please ship direct to the</p> <p>14 FDCs, McKesson.</p> <p>15 What's an FDC?</p> <p>16 A. Foreign distribution center.</p> <p>17 Q. It then lists all their POs</p> <p>18 for the Opana.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. PO is a purchase order?</p> <p>22 A. Yes, it is.</p> <p>23 Q. And on the next page, you'll</p> <p>24 see a very lengthy listing of Opana</p>

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<p style="text-align: right;">Page 362</p> <p>1 purchase orders, correct?</p> <p>2 A. Correct. Yes, this e-mail</p> <p>3 is from McKesson.</p> <p>4 Q. And then if we follow up the</p> <p>5 thread, we see at the top of Page 2, .2,</p> <p>6 an e-mail from Ms. Matz.</p> <p>7 And who is she with? Is she</p> <p>8 Endo or is she UPS?</p> <p>9 A. Cheryl Matz, she was with</p> <p>10 Endo at the time.</p> <p>11 Q. And Endo, kind of in your</p> <p>12 office there in Malvern, or was she down</p> <p>13 sitting with the UPS employees?</p> <p>14 A. No, my office in Malvern.</p> <p>15 Q. And so she's saying, Hi,</p> <p>16 Team, McKesson ordered more than their</p> <p>17 allocated quantities, so in the unit ship</p> <p>18 column I entered a revised quantity.</p> <p>19 Please change the orders to reflect these</p> <p>20 new quantities, and then you can release</p> <p>21 these particular McKesson orders.</p> <p>22 Cheryl.</p> <p>23 Did I read that correctly?</p> <p>24 A. You did.</p>	<p style="text-align: right;">Page 364</p> <p>1 Weeks with?</p> <p>2 A. Kathy worked for UPS.</p> <p>3 Q. And she notes, in the middle</p> <p>4 of Page 1, The quantities have been</p> <p>5 changed, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And then, Orders can ship</p> <p>8 out tomorrow following normal</p> <p>9 verifications, SOM, et cetera.</p> <p>10 That's from Mr. Jennings at</p> <p>11 UPS, correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And you say, Nice job</p> <p>14 everyone, in your final e-mail in 2012</p> <p>15 here, correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right. Then you say</p> <p>18 you're going to look at the ABC orders</p> <p>19 next? Is that what you said?</p> <p>20 A. Yes, that's what I said.</p> <p>21 Q. Okay.</p> <p>22 A. So this e-mail --</p> <p>23 Q. I'm sorry, ma'am, there's</p> <p>24 not a question.</p>
<p style="text-align: right;">Page 363</p> <p>1 Q. And we see before that, all</p> <p>2 the orders had gone on, quote, license</p> <p>3 hold, correct?</p> <p>4 A. Yes, I see that.</p> <p>5 Q. And then you intervene, in</p> <p>6 the middle of the page, you note, Cheryl</p> <p>7 is reviewing the quantity. Don't</p> <p>8 review -- excuse me -- remove the manage</p> <p>9 block until you hear from her or I. You</p> <p>10 can update the licenses in the meantime.</p> <p>11 Correct?</p> <p>12 A. Yes, that's what it says.</p> <p>13 Q. And UPS gets back and says</p> <p>14 they are going to work on the licenses</p> <p>15 and wait for you on the quantities,</p> <p>16 right?</p> <p>17 A. That's correct.</p> <p>18 Q. And then Cheryl, of course,</p> <p>19 she changes the quantities, right?</p> <p>20 A. That's what it states. I --</p> <p>21 I'm -- I have stuff to add, but I'll wait</p> <p>22 until you finish your questioning.</p> <p>23 Q. And then it's noted, further</p> <p>24 upstream, Kathy Weeks -- who was Kathy</p>	<p style="text-align: right;">Page 365</p> <p>1 MR. LIMBACHER: Do you want</p> <p>2 to give her an opportunity to</p> <p>3 provide some context?</p> <p>4 MR. BUCHANAN: I'm now</p> <p>5 starting to get concerned about my</p> <p>6 time. So if you'd like to do it</p> <p>7 on redirect, feel free.</p> <p>8 - - -</p> <p>9 (Whereupon, a discussion off</p> <p>10 the record occurred.)</p> <p>11 - - -</p> <p>12 MR. LIMBACHER: Did somebody</p> <p>13 join?</p> <p>14 THE WITNESS: Can I provide</p> <p>15 context with this, or are we</p> <p>16 moving on?</p> <p>17 MR. BUCHANAN: There's not a</p> <p>18 question pending, ma'am.</p> <p>19 MR. LIMBACHER: He doesn't</p> <p>20 want you to do that now.</p> <p>21 THE WITNESS: Okay.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. If we go to 683.6 on that</p> <p>24 document, ma'am -- I'm sorry.</p>

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<p style="text-align: right;">Page 366</p> <p>1 A. 683 --</p> <p>2 MR. LIMBACHER: Which</p> <p>3 document?</p> <p>4 MR. BUCHANAN: Do we need a</p> <p>5 new one?</p> <p>6 MS. RAKHLIN: Yes, it's a</p> <p>7 new exhibit.</p> <p>8 MR. BUCHANAN: Let's move</p> <p>9 on.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Did you -- we talked about</p> <p>12 chargeback data earlier today.</p> <p>13 Do you recall that</p> <p>14 discussion?</p> <p>15 A. I do.</p> <p>16 Q. Did you look at other</p> <p>17 information as part of your suspicious</p> <p>18 order monitoring process with regard to</p> <p>19 customers of your customers and their</p> <p>20 orders of Endo-branded products?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: No, as I</p> <p>24 stated before, we looked at the</p>	<p style="text-align: right;">Page 368</p> <p>1 MR. BUCHANAN: Sorry about</p> <p>2 that.</p> <p>3 MR. LIMBACHER: That's okay.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Do you see little 51 there</p> <p>6 and little 52 in the bottom right</p> <p>7 corners?</p> <p>8 A. 51 and 52, yes, I see it.</p> <p>9 Q. This is a report for Opana</p> <p>10 ER.</p> <p>11 You all were selling Opana</p> <p>12 ER in 2008, right?</p> <p>13 A. Yes, we were.</p> <p>14 Q. Okay. This is a date of</p> <p>15 reporting, it looks like it's running</p> <p>16 from October 2007 to January 31, 2008.</p> <p>17 Do you see that, ma'am?</p> <p>18 A. What was the date you gave?</p> <p>19 Q. October 1, 2007 to January</p> <p>20 31, 2008, those are the dates I tried to</p> <p>21 give.</p> <p>22 Do you see those in the</p> <p>23 document?</p> <p>24 A. I do.</p>
<p style="text-align: right;">Page 367</p> <p>1 average three-month and</p> <p>2 twelve-month quantities and class</p> <p>3 of trade.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Okay.</p> <p>6 MR. BUCHANAN: Could I have</p> <p>7 635 and 36, please? Let's do 636,</p> <p>8 Scott.</p> <p>9 MR. SIEGEL: 636 is being</p> <p>10 marked as Exhibit-16.</p> <p>11 - - -</p> <p>12 (Whereupon, EndoWalker</p> <p>13 Exhibit-16,</p> <p>14 ENDO-CHI_LIT-001444050-053, was</p> <p>15 marked for identification.)</p> <p>16 - - -</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Ma'am, I'm passing what we</p> <p>19 marked as Exhibit-16 to your deposition.</p> <p>20 It's a -- if we scroll to</p> <p>21 little number 51 on the bottom right</p> <p>22 corner.</p> <p>23 MR. LIMBACHER: She doesn't</p> <p>24 have it yet, Dave.</p>	<p style="text-align: right;">Page 369</p> <p>1 Q. And the report date is April</p> <p>2 25, 2008, right?</p> <p>3 A. Yes.</p> <p>4 Q. And it states, Enriched</p> <p>5 channel sales by outlet, correct?</p> <p>6 A. Enriched channel sales by</p> <p>7 outlet?</p> <p>8 Q. Do you see that, ma'am, on</p> <p>9 the screen --</p> <p>10 A. You're on the next page,</p> <p>11 sorry.</p> <p>12 Q. -- on the document, either</p> <p>13 way?</p> <p>14 A. I see that, yes.</p> <p>15 Q. Does that refresh your</p> <p>16 recollection, ma'am, that you actually</p> <p>17 were tracking and did have, at least</p> <p>18 within Endo, sales data by downstream</p> <p>19 customers --</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. -- for your products?</p> <p>24 A. This is part of the sales</p>

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<p style="text-align: right;">Page 370</p> <p>1 team. It was not my area of 2 responsibility. And it was not provided 3 to me. 4 Q. Okay. To be clear, this is 5 a document that was produced to us by 6 Endo. I just want to make sure you 7 understand that. 8 Do you have that 9 understanding, ma'am? 10 A. I understand it was provided 11 by Endo. 12 Q. Okay. And you understand 13 it's a report of channel sales data for 14 Opana ER, at least for the period stated 15 here, correct? 16 A. I can't speak for Endo. 17 This is not my area of responsibility. 18 Q. Okay. Opana ER is a branded 19 product? 20 A. It is. 21 Q. Branded opioid product? 22 A. It's a branded opioid 23 product. 24 Q. During this period of time,</p>	<p style="text-align: right;">Page 372</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: No. My 4 shipments -- my shipments are to 5 the wholesalers. 6 MR. BUCHANAN: Move to 7 strike the nonresponsive portion. 8 BY MR. BUCHANAN: 9 Q. This is not information that 10 you considered as part of your suspicious 11 order monitoring process; yes or no? 12 MR. LIMBACHER: Object to 13 form. 14 THE WITNESS: No, it was 15 not. 16 BY MR. BUCHANAN: 17 Q. Thank you. 18 And the sales folks at Endo, 19 or the regulatory folks or the DEA 20 compliance folks at Endo never shared 21 with you that they had that information, 22 would that be true? 23 A. I can't speak for what the 24 rest of the divisions did within Endo.</p>
<p style="text-align: right;">Page 371</p> <p>1 did you, in fact, have responsibility for 2 suspicious order monitoring for Endo? 3 MR. LIMBACHER: Object to 4 form. Asked and answered. 5 THE WITNESS: I did. But my 6 shipments were to the wholesalers. 7 BY MR. BUCHANAN: 8 Q. And these would be, when we 9 see these entities, Smith's Food King, 10 Scott's Pharmacy, H&B Pharmacy, Kroger 11 Pharmacy, these would be downstream 12 customers, right, customers of your 13 customers? 14 MR. LIMBACHER: Object to 15 form. 16 THE WITNESS: Potentially. 17 But I was not provided this data. 18 BY MR. BUCHANAN: 19 Q. And I guess, just as a 20 factual matter, then, this is not data 21 that you ever incorporated as part of 22 your suspicious order monitoring process 23 over the 20 years that you've been in 24 that position?</p>	<p style="text-align: right;">Page 373</p> <p>1 Q. Can you speak for yourself, 2 though, ma'am? Did the sales folks or 3 the regulatory folks or the DEA 4 compliance folks ever let you know that 5 they had information on downstream 6 customer purchases of company-branded 7 products? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: This 11 information wasn't provided to me. 12 MR. LIMBACHER: Dave, do you 13 want me to cover the fact that 14 this information was provided -- 15 MR. BUCHANAN: Move to 16 strike. 17 MR. LIMBACHER: -- by 18 IntegriChain, or do you want to 19 cover that now? 20 BY MR. BUCHANAN: 21 Q. Did you have this 22 information? 23 MR. LIMBACHER: Object to 24 form.</p>

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<p style="text-align: right;">Page 374</p> <p>1 THE WITNESS: I did not have</p> <p>2 this information. It's not my</p> <p>3 area of responsibility.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Don't have knowledge either</p> <p>6 way?</p> <p>7 A. It's not my area of</p> <p>8 responsibility.</p> <p>9 MR. BUCHANAN: Then move to</p> <p>10 strike your statements, counsel.</p> <p>11 MR. LIMBACHER: So you don't</p> <p>12 want to cover it?</p> <p>13 MR. BUCHANAN: Now you're so</p> <p>14 out of line.</p> <p>15 MR. LIMBACHER: It's a</p> <p>16 simple question.</p> <p>17 MR. BUCHANAN: Could I</p> <p>18 please have 640?</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. You had some role and</p> <p>21 involvement over the years with HDMA; is</p> <p>22 that fair?</p> <p>23 A. Yes.</p> <p>24 Q. And what's HDMA?</p>	<p style="text-align: right;">Page 376</p> <p>1 I'm sure I have.</p> <p>2 Q. You talk to representatives</p> <p>3 of chain pharmacies, correct?</p> <p>4 A. No. The HDMA is just</p> <p>5 wholesalers and manufacturers.</p> <p>6 Q. You don't recall discussing</p> <p>7 things with --</p> <p>8 A. The retailers?</p> <p>9 Q. Yes.</p> <p>10 A. No. The meeting I go to is</p> <p>11 just wholesalers and manufacturers.</p> <p>12 Q. Okay.</p> <p>13 MR. BUCHANAN: Can I have</p> <p>14 675?</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. Who is John Bullock, ma'am?</p> <p>17 A. He's a national account</p> <p>18 executive for Endo.</p> <p>19 Q. And what's the -- what is a</p> <p>20 national account executive? A</p> <p>21 salesperson?</p> <p>22 A. Salesperson as far as he</p> <p>23 works with the wholesalers.</p> <p>24 Q. Okay. And who is Mr.</p>
<p style="text-align: right;">Page 375</p> <p>1 A. The Healthcare Distribution</p> <p>2 Management Association. It's where</p> <p>3 wholesalers and manufacturers belong to</p> <p>4 the same organization.</p> <p>5 Q. And you go to meetings from</p> <p>6 time to time?</p> <p>7 A. I go to their annual -- at</p> <p>8 least -- sorry, at least one meeting a</p> <p>9 year, yes.</p> <p>10 Q. When did you start doing</p> <p>11 that?</p> <p>12 A. I don't recall the exact</p> <p>13 time.</p> <p>14 Q. Way back in time?</p> <p>15 A. Yeah, 2002, 2003, 2004.</p> <p>16 Q. Okay. And you would get</p> <p>17 together and you would talk with</p> <p>18 distributors?</p> <p>19 A. Yes. The meeting is</p> <p>20 one-on-one appointments between the</p> <p>21 wholesalers and the manufacturers.</p> <p>22 Q. Do you talk to other</p> <p>23 manufacturers?</p> <p>24 A. I don't recall exactly, but</p>	<p style="text-align: right;">Page 377</p> <p>1 Grausso, Sal Grausso?</p> <p>2 A. He's my boss.</p> <p>3 Q. And what's his title?</p> <p>4 A. VP of patient access.</p> <p>5 Q. And that would have been --</p> <p>6 how long has he been your boss?</p> <p>7 A. Two years, two and-a-half.</p> <p>8 Q. Since Ms. Connell left?</p> <p>9 A. No. No. I had somebody</p> <p>10 else between Jill and Sal.</p> <p>11 Q. So what is the sequence of</p> <p>12 your supervisors? So there was Ms.</p> <p>13 Connell for a number of years, correct?</p> <p>14 A. Many, many years, yes.</p> <p>15 Q. Did she start as your</p> <p>16 supervisor when you began in '98?</p> <p>17 A. No. There was another</p> <p>18 person there.</p> <p>19 Q. And who was that other</p> <p>20 person?</p> <p>21 A. Jeanie Dunk.</p> <p>22 Q. And after Ms. Connell, who</p> <p>23 was the intervening person before Mr.</p> <p>24 Grausso?</p>

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<p style="text-align: right;">Page 378</p> <p>1 A. If you would like to know 2 all my supervisors, I'll be happy to tell 3 them all to you. 4 Q. I just want to know who was 5 between Ms. Connell -- 6 A. So there was, after Jill, 7 Kevin O'Brien. 8 Q. Okay. 9 MR. BUCHANAN: Can we pass 10 675 over? 11 MR. SIEGEL: It will be 12 marked as Exhibit-17. 13 - - - 14 (Whereupon, EndoWalker 15 Exhibit-17, 16 ENDO_OPIOID_MDL_02426557-560, was 17 marked for identification.) 18 - - - 19 BY MR. BUCHANAN: 20 Q. On your screen, ma'am, is an 21 e-mail from John Bullock. It attaches 22 HDA follow-up from June of 2016. That's 23 also the subject of the document. 24 Do you see it, ma'am?</p>	<p style="text-align: right;">Page 380</p> <p>1 A. Yes. 2 Q. And it lists all the 3 customers that you had a chance to 4 interact with at the event -- 5 MR. LIMBACHER: Object to 6 form. 7 BY MR. BUCHANAN: 8 Q. -- right? 9 A. Yes, that's what's listed. 10 Q. Cardinal, AmerisourceBergen, 11 HD Smith, NC Mutual, ANDA, PBA Health, et 12 cetera; you see the long list? 13 A. Yes. 14 Q. On the right column, you've 15 got McKesson, Value Drug, Smith and 16 others, right? 17 A. Yes, they are listed. 18 Q. And then you list highlights 19 of the conference -- or highlights of the 20 conference are listed off to the right? 21 A. Yes. John put this 22 together, yes. 23 Q. Okay. Have you seen this 24 before?</p>
<p style="text-align: right;">Page 379</p> <p>1 A. Yes. 2 Q. It states, Attached is an 3 overview from the Healthcare Distribution 4 Alliance conference that Lisa, Scott and 5 I attended last week. 6 You went to the meeting? 7 A. Yes, I did. 8 Q. Did you review the summary 9 that was provided here by Mr. Bullock? 10 A. I may have at the time he 11 provided it to everybody. I don't recall 12 exactly. 13 Q. Was that part of your 14 standard practice, ma'am, at least when 15 you would come back from these meetings, 16 to prepare a summary to distribute to 17 others who weren't there? 18 A. That's something that John 19 did, yes. 20 Q. Okay. And do you recall 21 this meeting? 22 A. Yes. It was the annual HDA 23 meeting that I go to. 24 Q. And that was in Colorado?</p>	<p style="text-align: right;">Page 381</p> <p>1 A. I may have back in 2016. I 2 don't really recall the details of it. 3 Q. It then talks about 4 highlights from the conference, 5 Cardinal -- We conducted several key 6 meetings with Cardinal and capped it off 7 with a dinner with Par, Endo and 8 Cardinal -- at a particular restaurant, 9 it looks like. 10 Do you see that? 11 A. Yes, I see that. 12 Q. National accounts 13 coordinated a dinner with Cardinal brands 14 and specialty to pull the two sides 15 together and cross-pollinate the two 16 sides and provide one front to Endo 17 Health Solutions. 18 Did I read that correctly? 19 A. You did. 20 Q. And that's what happened, to 21 the best you recall? 22 A. Yes, yes. 23 Q. Okay. Then ABC, it lists as 24 another important customer with Endo.</p>

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<p style="text-align: right;">Page 382</p> <p>1 And we continue to forge a solid 2 partnership for brands, generics and 3 specialty. 4 Do you see that? 5 A. I do see it. 6 Q. And then finally, McKesson. 7 This has been a critical customer to 8 partner in 2016. We started out the year 9 rocky with several issues -- and it 10 continues. 11 Do you see that? 12 A. I do see it. 13 Q. Do you recall some issues 14 with McKesson and being pressed to 15 release orders from them in 2016? 16 MR. LIMBACHER: Object to 17 form. 18 THE WITNESS: Not that I 19 recall, no. 20 BY MR. BUCHANAN: 21 Q. I'm sorry, not that you 22 recall? 23 A. Not that I recall. 24 Q. Okay.</p>	<p style="text-align: right;">Page 384</p> <p>1 THE WITNESS: Not that I 2 recall. 3 BY MR. BUCHANAN: 4 Q. How about aligning on a 5 strategy to exert pressure against 6 requirements that were being imposed with 7 regard to suspicious order monitoring? 8 A. No. 9 MR. LIMBACHER: Object to 10 form. 11 THE WITNESS: Not that I 12 recall. 13 BY MR. BUCHANAN: 14 Q. You don't remember ever 15 doing that through the HDMA? 16 A. No. 17 Q. Okay. 18 MR. BUCHANAN: Could I have, 19 please, 676, Scott. What's the 20 next in order? 21 MR. SIEGEL: 676 is 22 Exhibit-18. 23 - - - 24 (Whereupon, EndoWalker</p>
<p style="text-align: right;">Page 383</p> <p>1 MR. BUCHANAN: Can I please 2 have 676? 3 BY MR. BUCHANAN: 4 Q. Who is Scott Littlefield? 5 A. At the time, he was another 6 national account executive before he left 7 the company. 8 Q. During these HDMA 9 conferences, would you discuss suspicious 10 order monitoring? 11 MR. LIMBACHER: Object to 12 form. 13 THE WITNESS: I don't 14 recall. We could have. 15 BY MR. BUCHANAN: 16 Q. Do you recall that at any of 17 the HDMA conferences you attended, ma'am? 18 A. Not really, no. 19 Q. Getting together with other 20 manufacturers, wholesalers and 21 distributors and aligning with regard to 22 what you were doing or not doing? 23 MR. LIMBACHER: Object to 24 form.</p>	<p style="text-align: right;">Page 385</p> <p>1 Exhibit-18, 2 ENDO_OPIOID_MDL_02426078, was 3 marked for identification.) 4 - - - 5 BY MR. BUCHANAN: 6 Q. I'm passing you Exhibit-18, 7 ma'am. It's an e-mail -- 8 MR. LIMBACHER: Can we wait 9 until she gets it in front of her? 10 BY MR. BUCHANAN: 11 Q. -- from John Bullock to Lisa 12 Walker, cc, Scott Littlefield. You 13 should have it on your screen. And 14 hopefully it will get there in a second. 15 This is from June 2016, it 16 precedes your trip to Colorado in 2016 17 that we were just looking at, right? 18 A. Yes. 19 Q. From Mr. Bullock, Key topics 20 to cover at HDMA are the following. 21 Please add additional ones. 22 Do you see that? 23 A. I do. 24 Q. And you see, what's that,</p>

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<p style="text-align: right;">Page 386</p> <p>1 about four bullets down, suspicious order</p> <p>2 monitoring?</p> <p>3 A. I see that.</p> <p>4 Q. Were you going to be the</p> <p>5 suspicious order monitoring contact at</p> <p>6 that meeting?</p> <p>7 A. I don't recall what we were</p> <p>8 scheduled to talk about, as far as SOM at</p> <p>9 this meeting, or if we did.</p> <p>10 Q. You see the question at the</p> <p>11 end, Who is the SOM contact?</p> <p>12 A. I do.</p> <p>13 Q. Do you recall ever being the</p> <p>14 SOM contact for Endo at any meetings of</p> <p>15 HDMA?</p> <p>16 A. No, not that I recall.</p> <p>17 Q. Who else would have been</p> <p>18 discussing SOM -- well, what was the</p> <p>19 travel group for this HDMA meeting?</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 THE WITNESS: The folks on</p> <p>23 the -- on the e-mail, Scott, John</p> <p>24 and I.</p>	<p style="text-align: right;">Page 388</p> <p>1 functionally, were you functionally the</p> <p>2 most senior person on suspicious order</p> <p>3 monitoring as of 2015, ma'am?</p> <p>4 MR. LIMBACHER: Object to</p> <p>5 form, foundation. Asked and</p> <p>6 answered.</p> <p>7 THE WITNESS: SOM was part</p> <p>8 of my responsibilities, yes.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Well, who was senior to you</p> <p>11 with regard to suspicious order</p> <p>12 monitoring within Endo branded in 2015?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 THE WITNESS: I guess it</p> <p>16 would be me in 2015.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Okay. So are you aware of</p> <p>19 another of -- other than the three people</p> <p>20 that are listed here that attended the</p> <p>21 meeting and were the SOM contacts for</p> <p>22 Endo at that meeting?</p> <p>23 A. Rephrase your -- sorry, say</p> <p>24 your question again.</p>
<p style="text-align: right;">Page 387</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Okay. Among those three,</p> <p>3 John was a national account executive?</p> <p>4 A. Correct.</p> <p>5 Q. Scott Littlefield was?</p> <p>6 A. A national account</p> <p>7 executive.</p> <p>8 Q. And Lisa Walker was the head</p> <p>9 of suspicious order monitoring at this</p> <p>10 time?</p> <p>11 MR. LIMBACHER: Object to</p> <p>12 form.</p> <p>13 THE WITNESS: No. I was the</p> <p>14 director of distribution and</p> <p>15 customer service.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. When did you take</p> <p>18 responsibility formally within the</p> <p>19 company? I think you gave us a title in</p> <p>20 2015?</p> <p>21 A. Of being a director?</p> <p>22 Q. What was --</p> <p>23 A. Is that what you're asking?</p> <p>24 Q. I'm sorry, at least</p>	<p style="text-align: right;">Page 389</p> <p>1 Q. Withdrawn.</p> <p>2 I think you told us that the</p> <p>3 attendees at the meeting in 2016 were the</p> <p>4 three individuals listed here, correct?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. Okay. Was there somebody</p> <p>7 other than you who was the SOM contact</p> <p>8 for Endo who attended that meeting?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: No, it was me.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Okay.</p> <p>14 MR. BUCHANAN: Can I have,</p> <p>15 please, Exhibit-640?</p> <p>16 MR. SIEGEL: 640 is being</p> <p>17 marked as Exhibit-19.</p> <p>18 - - -</p> <p>19 (Whereupon, EndoWalker</p> <p>20 Exhibit-19,</p> <p>21 ENDO_OPIOID_MDL_04881787-791, was</p> <p>22 marked for identification.)</p> <p>23 - - -</p> <p>24 BY MR. BUCHANAN:</p>

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<p style="text-align: right;">Page 390</p> <p>1 Q. Did you keep up to date, 2 ma'am, on what the FDA -- excuse me, 3 withdrawn. 4 Did you keep up to date with 5 regard to what the DEA was saying your 6 obligations were with regard to 7 suspicious order monitoring? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: In what way 11 are you referring to? 12 BY MR. BUCHANAN: 13 Q. Guidances they issued, 14 actions they were taking against 15 distributors, actions they were taking 16 against then customers. 17 Did you keep up to date with 18 what they were saying were a 19 manufacturer's obligations? 20 A. I mean, I knew of them. But 21 I don't know the details behind them or 22 anything, no. 23 Q. Okay. I'm passing you, 24 ma'am, what's been marked as Exhibit --</p>	<p style="text-align: right;">Page 392</p> <p>1 Q. You would agree, ma'am, as 2 somebody manufacturing, selling, 3 marketing controlled products, that it's 4 important to take measures to effectively 5 prevent diversion? 6 MR. LIMBACHER: Object to 7 form. 8 THE WITNESS: Yes. 9 BY MR. BUCHANAN: 10 Q. This letter that was 11 received and, I guess, forwarded to you 12 by Ms. Connell -- and you both would have 13 been in that role and responsibility with 14 regard to suspicious orders at this time 15 line in January 11, 2008, right? 16 A. We would. 17 Q. Okay. Let's look at the 18 attached letter. I think it's .3. 19 Dear Registrant. It says, 20 This letter is being sent to every entity 21 in the United States registered with the 22 Drug Enforcement Administration to 23 manufacture/distribute controlled 24 substances. The purpose of this letter</p>
<p style="text-align: right;">Page 391</p> <p>1 MR. BUCHANAN: Which Scott? 2 MR. SIEGEL: 640 is 19. 3 MR. BUCHANAN: Thank you. 4 BY MR. BUCHANAN: 5 Q. -- marked as Exhibit-19 to 6 your deposition. 7 This is an e-mail from your 8 boss to you in 2008, correct? 9 A. Yes, that's what's listed. 10 Q. Ms. Connell forwards you a 11 DEA notice, a letter and advisory from 12 January 11, 2008. 13 And when you go to the 14 attachment, you see a letter from the 15 Department of Justice Drug Enforcement 16 Administration, correct? 17 A. Yes. 18 MR. LIMBACHER: Take your 19 time and review the document. 20 THE WITNESS: I see it. 21 BY MR. BUCHANAN: 22 Q. You've seen it before? 23 A. I don't really recall seeing 24 it before.</p>	<p style="text-align: right;">Page 393</p> <p>1 is to reiterate the responsibilities of 2 controlled substance manufacturers and 3 distributors to inform DEA of suspicious 4 orders in accordance with the 21 CFR 5 1301.74B. 6 Do you see that, ma'am? 7 A. I do. 8 Q. Now, looking at this, does 9 this refresh your recollection? 10 A. Not really, because if you 11 remember, Endo's products are shipped 12 under UPS's DEA's license, so they are 13 the actual registrant. 14 Q. So is it your view this 15 didn't apply to you? 16 MR. LIMBACHER: Object to 17 form. Foundation. 18 THE WITNESS: I wouldn't say 19 it wouldn't apply. But our 20 products are shipped under UPS's 21 license. And in 2008, both of us 22 had an excessive or SOM program in 23 place. 24 BY MR. BUCHANAN:</p>

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<p style="text-align: right;">Page 394</p> <p>1 Q. It will undoubtedly be for 2 somebody else to decide whether it 3 applied or not, ma'am. 4 What I'd like to understand 5 is what was your understanding back in 6 2008? 7 MR. LIMBACHER: Object to 8 form. 9 BY MR. BUCHANAN: 10 Q. Was your understanding that 11 this letter applied to Endo and its 12 branded products, its branded opioid 13 products that it had sales reps pounding 14 the pavement on? 15 A. I can't -- 16 MR. LIMBACHER: Object to 17 form. Foundation. Argumentative. 18 THE WITNESS: I can't speak 19 to that. This wasn't -- this was 20 just forwarded to me by my boss. 21 I'm not in regulatory for the 22 company. 23 Again, my responsibility at 24 this time was distribution. And</p>	<p style="text-align: right;">Page 396</p> <p>1 forgot or ignored her prior 2 testimony. 3 BY MR. BUCHANAN: 4 Q. Ms. Connell was your boss in 5 January of 2008? 6 A. She was, yes. 7 Q. She sent you, the person she 8 was supervising, a letter and advisory 9 from the DEA, correct? 10 A. That's what this e-mail is 11 stating. 12 Q. It said that manufacturers 13 and distributors had an obligation to 14 maintain effective controls against 15 diversion, correct? 16 A. That's what the letter is 17 stating. 18 Q. Did you understand that 19 Endo, at that point in time, had an 20 obligation to maintain effective controls 21 against diversion; yes or no? 22 MR. LIMBACHER: Object to 23 form, foundation. Asked and 24 answered.</p>
<p style="text-align: right;">Page 395</p> <p>1 our products are shipped under 2 UPS's license, and they are 3 considered the registrant in that 4 respect. I can't speak to sales. 5 I can't speak to regulatory. It's 6 not my area of responsibility. 7 BY MR. BUCHANAN: 8 Q. Just tell me so we 9 understand how you processed this at the 10 time. 11 When you received this, did 12 you say, doesn't apply to us? 13 MR. LIMBACHER: Object to 14 form. Foundation. I think she 15 already testified she doesn't 16 recall receiving it. 17 THE WITNESS: Right. This 18 is back in 2008. I don't recall. 19 BY MR. BUCHANAN: 20 Q. Okay. 21 MR. BUCHANAN: That's a very 22 helpful cue, counsel. 23 MR. LIMBACHER: With all due 24 respect, counsel, you either</p>	<p style="text-align: right;">Page 397</p> <p>1 THE WITNESS: And within my 2 role of distribution, we had an 3 excessive program in place, and as 4 did UPS. And UPS is the 5 registrant, because all our 6 products are shipped under UPS's 7 license. 8 MR. BUCHANAN: Move to 9 strike, nonresponsive. 10 THE WITNESS: I can't 11 speak -- 12 BY MR. BUCHANAN: 13 Q. My question is with regard 14 to Endo. 15 With regard to Endo, ma'am, 16 did you understand, as of 2008, that Endo 17 had a responsibility to maintain 18 effective controls against diversion; yes 19 or no? 20 MR. LIMBACHER: Object to 21 form. And foundation. Asked and 22 answered. 23 THE WITNESS: Yes. But I 24 can't speak to what other parts of</p>

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<p style="text-align: right;">Page 398</p> <p>1 the company did at Endo. I can 2 only speak to my area, which I've 3 explained many times. 4 BY MR. BUCHANAN: 5 Q. So your understanding, as of 6 early 2008, was that Endo did, in fact, 7 have an obligation to maintain effective 8 controls against diversion, correct? 9 MR. LIMBACHER: Object to 10 form. And foundation. Asked and 11 answered. 12 THE WITNESS: Yes. 13 BY MR. BUCHANAN: 14 Q. You've told us what your 15 role in that process was, correct? 16 A. Yes. 17 Q. To the extent Endo had other 18 measures within its walls that were 19 designed to maintain effective controls 20 against diversion, if I understand your 21 testimony today, you're not aware of what 22 those were, correct? 23 MR. LIMBACHER: Object to 24 form. Foundation.</p>	<p style="text-align: right;">Page 400</p> <p>1 monitoring, fair? 2 A. The SOM program was part of 3 my role, yes. 4 Q. And you understood that to 5 be a component of an effective control 6 against diversion, fair? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: Yes. In 10 conjunction with our 3PL, UPS 11 Supply Chain Solutions. 12 BY MR. BUCHANAN: 13 Q. And it would be fair, ma'am, 14 that over -- in the years prior to the 15 date of this letter and in the years 16 after the date of this letter, at no 17 point in time did the company ever report 18 a suspicious order to the DEA, true? 19 MR. LIMBACHER: Object. 20 Form. Foundation. Asked and 21 answered. 22 THE WITNESS: Not that I 23 recall. 24 BY MR. BUCHANAN:</p>
<p style="text-align: right;">Page 399</p> <p>1 THE WITNESS: I know that 2 Endo had, within other areas of 3 responsibility, different programs 4 and such in place. But I can't 5 speak to those. I don't know the 6 details behind those. That's not 7 my area. 8 BY MR. BUCHANAN: 9 Q. I understood that. And I 10 was just trying to understand what we 11 could learn from you today. 12 So what we can learn from 13 you today is you understood, as of 2008, 14 Endo, as an entity, had an obligation to 15 maintain effective controls against 16 diversion, agreed? 17 MR. LIMBACHER: Object to 18 form. Foundation. Asked and 19 answered multiple times. 20 THE WITNESS: Yes. 21 BY MR. BUCHANAN: 22 Q. You understood, frankly, 23 that your role, in whatever Endo was 24 doing, related to suspicious order</p>	<p style="text-align: right;">Page 401</p> <p>1 Q. And at no point in time did 2 the third-party logistics person that you 3 identified, UPS Supply Chain Solutions, 4 or its predecessor, report an order of an 5 Endo customer to the DEA as a suspicious 6 order, correct? 7 MR. LIMBACHER: Objection. 8 Form and foundation. Asked and 9 answered multiple times. 10 THE WITNESS: Our customer 11 being the wholesalers, that is 12 correct. 13 BY MR. BUCHANAN: 14 Q. Or one of your customers' 15 customers? 16 A. I can't speak to that. I 17 can speak just about the shipments to the 18 wholesalers. 19 Q. Okay. Directing your 20 attention to the third paragraph, ma'am. 21 It says, The regulation also 22 requires that the registrant inform the 23 local DEA division office of suspicious 24 orders when discovered by the registrant.</p>

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<p style="text-align: right;">Page 402</p> <p>1 Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. It continues in that</p> <p>4 paragraph, Registrants must conduct an</p> <p>5 independent analysis of suspicious orders</p> <p>6 prior to completing a sale, to determine</p> <p>7 whether the controlled substances are</p> <p>8 likely to be diverted from legitimate</p> <p>9 channels.</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. The next paragraph states</p> <p>13 that, The regulations specifically states</p> <p>14 suspicious orders include orders of an</p> <p>15 unusual size, orders deviating</p> <p>16 substantially from a normal pattern, and</p> <p>17 orders of an unusual frequency.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. In fact, you had an</p> <p>21 algorithm in place around the same time</p> <p>22 frame that would monitor orders for</p> <p>23 unusual size, correct?</p> <p>24 A. Size being one of them, yes.</p>	<p style="text-align: right;">Page 404</p> <p>1 My question was, each of</p> <p>2 those orders referenced in Exhibit-1 that</p> <p>3 we combed this morning had tripped one of</p> <p>4 these flags for unusual frequency, size</p> <p>5 or quantity, correct?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form. Asked and answered.</p> <p>8 THE WITNESS: What we looked</p> <p>9 at this morning, yes, order, size</p> <p>10 and frequency. Plus there was</p> <p>11 also class of trade at that time</p> <p>12 for those orders.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. And each of those orders</p> <p>15 were cleared by a human being after they</p> <p>16 were looked at, correct?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 the form and foundation. Asked</p> <p>19 and answered multiple times.</p> <p>20 THE WITNESS: They were</p> <p>21 reviewed and released and sent to</p> <p>22 UPS for processing, under their</p> <p>23 own SOM program.</p> <p>24 BY MR. BUCHANAN:</p>
<p style="text-align: right;">Page 403</p> <p>1 Q. And quantity?</p> <p>2 A. Correct.</p> <p>3 Q. And frequency?</p> <p>4 A. Correct.</p> <p>5 And class of trade.</p> <p>6 Q. And in many instances, and</p> <p>7 we just looked at the orders that were</p> <p>8 shipped into Missouri, I believe that's</p> <p>9 Exhibit-1 -- do you recall looking at</p> <p>10 that this morning with me?</p> <p>11 A. I do.</p> <p>12 Q. In fact, each of those</p> <p>13 orders had been -- had tripped the wire</p> <p>14 in the system for unusual quantity, size</p> <p>15 or frequency, fair?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form. Asked and answered multiple</p> <p>18 times.</p> <p>19 THE WITNESS: The orders</p> <p>20 were reviewed through our SOM</p> <p>21 program and UPS's SOM program,</p> <p>22 yes.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. That's not my question.</p>	<p style="text-align: right;">Page 405</p> <p>1 Q. Is that a yes answer to my</p> <p>2 question, ma'am?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form. Argumentative.</p> <p>5 THE WITNESS: I believe I</p> <p>6 answered your question.</p> <p>7 BY MR. BUCHANAN:</p> <p>8 Q. I don't think you did.</p> <p>9 Each of those -- each of</p> <p>10 those orders that tripped the flag that</p> <p>11 was referenced in Exhibit-1 that we went</p> <p>12 through in detail this morning were</p> <p>13 ultimately cleared, after a human review,</p> <p>14 and shipped --</p> <p>15 A. After they were --</p> <p>16 Q. -- correct?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 THE WITNESS: Yes. After</p> <p>20 they were reviewed.</p> <p>21 MR. LIMBACHER: And asked</p> <p>22 and answered multiple times.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Thank you.</p>

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<p style="text-align: right;">Page 406</p> <p>1 Are you familiar with some</p> <p>2 of the other DEA decisions and guidances</p> <p>3 with regard to suspicious order</p> <p>4 monitoring, ma'am?</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 THE WITNESS: Such as?</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. The Southwood</p> <p>10 Pharmaceuticals?</p> <p>11 A. I'm sorry, who?</p> <p>12 Q. The Southwood</p> <p>13 Pharmaceuticals decision?</p> <p>14 A. I don't know who -- what</p> <p>15 that is, or who they are.</p> <p>16 Q. Did you keep abreast of the</p> <p>17 various decisions and guidances of the</p> <p>18 DEA as it related to suspicious order</p> <p>19 monitoring?</p> <p>20 A. Me personally, no.</p> <p>21 Q. There were those in</p> <p>22 compliance and regulatory that you</p> <p>23 assumed were looking at that?</p> <p>24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 408</p> <p>1 MR. BUCHANAN: Could I have</p> <p>2 562?</p> <p>3 MR. SIEGEL: 562 being</p> <p>4 marked as Exhibit-20.</p> <p>5 - - -</p> <p>6 (Whereupon, EndoWalker</p> <p>7 Exhibit-20, Clawed Back,</p> <p>8 Endo_Opioid_MDL_01602884-890, was</p> <p>9 marked for identification.)</p> <p>10 - - -</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. By 2011, ma'am, there were</p> <p>13 congressional hearings happening, right?</p> <p>14 Actually, they were happening well before</p> <p>15 that, true?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: I can't</p> <p>19 confirm or deny that. I don't</p> <p>20 know.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. Did you -- I mean, did you</p> <p>23 follow the broader climate and context</p> <p>24 for the products that you were selling?</p>
<p style="text-align: right;">Page 407</p> <p>1 form.</p> <p>2 THE WITNESS: I would</p> <p>3 assume, yes.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Okay. In 2017, there were</p> <p>6 some safety issues that arose with Opana,</p> <p>7 right?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: All opioids</p> <p>11 have potential safety issues and</p> <p>12 risks.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. I mean, did you know that</p> <p>15 Opana, in particular, had some safety</p> <p>16 issues that arose with it?</p> <p>17 A. It's listed on our package</p> <p>18 insert, yes, or PI.</p> <p>19 Q. Did you know your Opana was</p> <p>20 being diverted?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form. Foundation.</p> <p>23 THE WITNESS: I don't recall</p> <p>24 that.</p>	<p style="text-align: right;">Page 409</p> <p>1 A. I know that there was an</p> <p>2 opioid crisis, yes. But I don't -- the</p> <p>3 details, I don't know what you're</p> <p>4 showing. I don't have a document.</p> <p>5 MR. BUCHANAN: Can the</p> <p>6 witness have a copy, please?</p> <p>7 MR. LIMBACHER: One second.</p> <p>8 MR. BUCHANAN: What's the</p> <p>9 exhibit number?</p> <p>10 MR. SIEGEL: 20.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. Hopefully you're passed</p> <p>13 Exhibit-20, ma'am.</p> <p>14 It's an --</p> <p>15 A. I don't have --</p> <p>16 Q. -- April --</p> <p>17 A. I don't have the document.</p> <p>18 Q. Your counsel has both</p> <p>19 copies.</p> <p>20 MR. LIMBACHER: Can I just</p> <p>21 have a minute to confer with my</p> <p>22 client?</p> <p>23 MR. BUCHANAN: Okay.</p> <p>24 MR. LIMBACHER: Thank you.</p>

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<p style="text-align: right;">Page 410</p> <p>1 VIDEO TECHNICIAN: We're 2 going off record. The time is 3 3:33. 4 - - - 5 (Whereupon, a brief recess 6 was taken.) 7 - - - 8 VIDEO TECHNICIAN: We're 9 back on the record. Beginning of 10 Media File Number 7. The time is 11 3:36. 12 MR. LIMBACHER: Having had a 13 chance to review what's been 14 marked as Plaintiffs' Exhibit 15 Number 20, our position -- and 16 having had an opportunity to 17 confer with my client, our 18 position is that this is -- on its 19 face, appears to be a privileged 20 document, also potentially 21 containing work product of Endo 22 counsel. 23 And I would request that it 24 be clawed back, pursuant to the</p>	<p style="text-align: right;">Page 412</p> <p>1 MR. BUCHANAN: So I don't 2 believe I'm permitted to continue 3 to examine unless you permit me to 4 do so; is that right? 5 MR. LIMBACHER: No, I don't 6 believe you are permitted to go 7 further on this. 8 And if this is something we 9 need to confer on after the fact 10 and see if there's something we 11 can do about it. But, again, my 12 position is, on its face, it 13 pretty clearly would appear to be 14 a privileged communication and it 15 would contain views and advice of 16 counsel to Endo. 17 MR. BUCHANAN: In that 18 regard, we disagree. I understand 19 I'm foreclosed from examining this 20 witness on it. 21 To the extent everyone is 22 inconvenienced with resuming this 23 witness, I assume we've all 24 considered that before you</p>
<p style="text-align: right;">Page 411</p> <p>1 procedures that are set forth 2 under the orders in this 3 litigation. 4 MR. BUCHANAN: I've reviewed 5 the memo. It's a memo from Alston 6 and Bird to Endo Pharmaceuticals. 7 It does not appear to be either 8 communicating legal advice or 9 seeking information from which to 10 render legal advice. 11 It's a report of a public 12 hearing that was conducted before 13 Congress. 14 I don't understand what the 15 basis for a work product would be 16 claimed. It's a -- essentially an 17 account of a public hearing. But 18 if you're -- you are entitled to 19 assert what you're entitled to 20 assert. I believe it's without 21 basis or foundation. And we'll 22 sort it out on the back end. 23 MR. LIMBACHER: Okay. I 24 appreciate that.</p>	<p style="text-align: right;">Page 413</p> <p>1 articulated that. 2 I will press on. 3 Could I have, please, 4 Exhibit-563? 5 MR. LIMBACHER: Dave, if you 6 don't mind, just for the record, 7 I'm going to read the MDL Bates 8 numbers of Exhibit-20. 9 MR. BUCHANAN: That's fine. 10 MR. LIMBACHER: So we're all 11 clear on that. 12 MR. BUCHANAN: Do you want 13 to -- I guess we can't really 14 attach it. 15 MR. LIMBACHER: But just so 16 people know what we're talking 17 about, it's 18 Endo_Opioid_MDL_01602884 to 19 01602890. 20 MR. BUCHANAN: Okay. 21 BY MR. BUCHANAN: 22 Q. I'm passing you over what 23 we're marking next in order for your 24 deposition, ma'am. It's a DEA drug</p>

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<p style="text-align: right;">Page 414</p> <p>1 intelligence brief.</p> <p>2 - - -</p> <p>3 (Whereupon, EndoWalker</p> <p>4 Exhibit-21,</p> <p>5 ENDO_OR-CID-00694084-087, was</p> <p>6 marked for identification.)</p> <p>7 - - -</p> <p>8 MR. BUCHANAN: What's next</p> <p>9 in order, Scott?</p> <p>10 MR. SIEGEL: Being marked as</p> <p>11 Exhibit-21.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Exhibit-21 to your</p> <p>14 deposition, ma'am.</p> <p>15 MR. BUCHANAN: And I assume</p> <p>16 we'll keep the Exhibit-20 for the</p> <p>17 prior one that was identified and</p> <p>18 clawed back, or at least the claw</p> <p>19 assertion was made on the record.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Before you, ma'am, should</p> <p>22 be, if it's making its way down the</p> <p>23 table, a drug intelligence brief of the</p> <p>24 DEA.</p>	<p style="text-align: right;">Page 416</p> <p>1 would have received orders for within</p> <p>2 Endo, would have been put into the SAP</p> <p>3 system and processed by your group, and</p> <p>4 then later on by UPS, correct?</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 THE WITNESS: Orders to</p> <p>8 wholesalers, yes.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Okay. We see here that</p> <p>11 oxymorphone, brand name Opana, has been</p> <p>12 reported by several sources of</p> <p>13 information as the big thing right now in</p> <p>14 pharmaceutical drug abuse in the region.</p> <p>15 Do you see that, ma'am?</p> <p>16 A. Yes.</p> <p>17 Q. Is that news to you, that</p> <p>18 Opana was being abused and was the big</p> <p>19 thing right now, certainly in this region</p> <p>20 not too far from Endo's headquarters?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: I know that</p> <p>24 there was an opioid epidemic, yes.</p>
<p style="text-align: right;">Page 415</p> <p>1 Do you see that?</p> <p>2 A. I don't have it.</p> <p>3 Q. Hopefully you have it on</p> <p>4 your screen. From the Philadelphia</p> <p>5 Division Intelligence Program.</p> <p>6 Do you recall learning,</p> <p>7 ma'am, of Opana or oxymorphone abuse?</p> <p>8 MR. LIMBACHER: Take your</p> <p>9 time and review the document.</p> <p>10 Object to form.</p> <p>11 THE WITNESS: I don't know</p> <p>12 what this document is. But I know</p> <p>13 of the opioid abuse, yes.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. As the person, ma'am, in</p> <p>16 charge of suspicious order monitoring for</p> <p>17 Endo branded -- would Opana be a branded</p> <p>18 Endo product?</p> <p>19 A. It is.</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. This is one of those</p> <p>24 products that would have been -- you</p>	<p style="text-align: right;">Page 417</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. And, in fact, oxymorphone,</p> <p>3 that's the active ingredient in Opana?</p> <p>4 A. I believe so, yes.</p> <p>5 Q. That was the active</p> <p>6 ingredient in Numorphan, the drug that</p> <p>7 was withdrawn by Endo back in the '70s,</p> <p>8 right?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form. Foundation.</p> <p>11 THE WITNESS: I can't</p> <p>12 confirm that. I don't know.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. Did you have that knowledge,</p> <p>15 ma'am, that, in fact, Numorphan was</p> <p>16 withdrawn from the market back in the</p> <p>17 '70s, with the same active ingredient,</p> <p>18 due to abuse?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form. Asked and answered.</p> <p>21 THE WITNESS: No, I had no</p> <p>22 knowledge of Numorphan being</p> <p>23 withdrawn back in the 1970s.</p> <p>24 BY MR. BUCHANAN:</p>

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<p style="text-align: right;">Page 418</p> <p>1 Q. Did you know that your</p> <p>2 product, on the street, had a number of</p> <p>3 slang terms and popular names for it,</p> <p>4 because it was being traded in that</p> <p>5 diverted market?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: I know that</p> <p>9 there was an opioid epidemic, yes.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Did you know that your</p> <p>12 drugs, "your" being Endo's branded</p> <p>13 opioids, were being sold in that market?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form.</p> <p>16 THE WITNESS: Me personally,</p> <p>17 no. I know that there was an</p> <p>18 opioid epidemic.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Diverted from legitimate use</p> <p>21 and used illicitly?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 THE WITNESS: I don't know</p>	<p style="text-align: right;">Page 420</p> <p>1 Pink O? OM? The O Bomb?</p> <p>2 A. No, none of these. I didn't</p> <p>3 know Opana or oxymorphone was called any</p> <p>4 of this.</p> <p>5 Q. At the point in time, ma'am,</p> <p>6 that wholesalers were placing orders from</p> <p>7 you, they were getting put into SAP, they</p> <p>8 were tripping the wire on excessive size</p> <p>9 or quantity or frequency, and you were</p> <p>10 clearing those orders, time after time</p> <p>11 after time after time, did you know that</p> <p>12 your company's product had a dozen or 15</p> <p>13 different street names for its illicit</p> <p>14 use?</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form and foundation. Asked and</p> <p>17 answered.</p> <p>18 THE WITNESS: No, I did not</p> <p>19 know -- yes, I knew there was an</p> <p>20 opioid epidemic. No, I had no</p> <p>21 idea Opana was named any of these</p> <p>22 products.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Not one order, not one order</p>
<p style="text-align: right;">Page 419</p> <p>1 that.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. Let's look at what it was</p> <p>4 being called on the street. Slang terms</p> <p>5 for oxymorphone include Blues.</p> <p>6 Did you know that?</p> <p>7 A. No, I did not.</p> <p>8 Q. How about Biscuits?</p> <p>9 A. No, I did not.</p> <p>10 Q. Blue Heaven?</p> <p>11 A. No.</p> <p>12 Q. New Blues?</p> <p>13 A. No.</p> <p>14 Q. Octagons? Stop Signs? Have</p> <p>15 you heard of those?</p> <p>16 A. No -- well, I've heard of a</p> <p>17 stop sign, but --</p> <p>18 Q. Not with regard to your</p> <p>19 company's product?</p> <p>20 A. No.</p> <p>21 Q. Pink Heaven, did you know it</p> <p>22 was referred to as that?</p> <p>23 A. No, I did not.</p> <p>24 Q. Pink Lady? Mrs. O? The</p>	<p style="text-align: right;">Page 421</p> <p>1 for Opana was ever reported to the DEA as</p> <p>2 suspicious, true, ma'am?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form. Foundation.</p> <p>5 THE WITNESS: Our orders, as</p> <p>6 I've explained, went through our</p> <p>7 SOM program and UPS's SOM program.</p> <p>8 They were reviewed and they were</p> <p>9 released.</p> <p>10 And no -- it depends on what</p> <p>11 your definition of suspicious is.</p> <p>12 We never stopped an order, because</p> <p>13 they cleared our system, both</p> <p>14 systems.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. Every order that tripped the</p> <p>17 wire on quantity, size and frequency was</p> <p>18 cleared by a human being within Endo and</p> <p>19 shipped?</p> <p>20 A. It was --</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form. Foundation.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Right?</p>

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Page 422	Page 424
<p>1 MR. LIMBACHER: Asked and 2 answered multiple times, counsel. 3 THE WITNESS: You keep 4 talking about order size and 5 frequency. You're also forgetting 6 about class of trade, which is 7 another element. 8 BY MR. BUCHANAN: 9 Q. That, too? 10 A. And the orders were 11 reviewed, they were released and they 12 were also sent to UPS for review and for 13 release as well. 14 Q. And somehow, ma'am, your 15 drugs were the big thing right now, the 16 big thing right now on the streets, what, 17 ten miles from Malvern, Pennsylvania? 18 A. I have -- 19 MR. LIMBACHER: Object to 20 form. Foundation. Counsel -- 21 BY MR. BUCHANAN: 22 Q. Right? 23 MR. LIMBACHER: -- save the 24 speaking, the speechifying for</p>	<p>1 this is my one chance to ask this 2 witness questions -- 3 MR. LIMBACHER: I am under 4 no obligation to respond to that 5 question. 6 MR. BUCHANAN: Then I'm 7 going to ask my questions as I see 8 fit. 9 MR. LIMBACHER: And I'm 10 going to object as I see fit, too. 11 MR. BUCHANAN: Well, then, 12 just object to form, as you're 13 required and permitted to do. 14 MR. LIMBACHER: I'm not 15 required to simply say object to 16 form. 17 MR. BUCHANAN: Yes, you are. 18 MR. LIMBACHER: Not under 19 these circumstances. 20 MR. BUCHANAN: Okay. 21 Can I have a reread of the 22 question before the speech? 23 - - - 24 (Whereupon, the court</p>
Page 423	Page 425
<p>1 the closing argument to the jury. 2 You're here to ask questions 3 about the facts and her personal 4 knowledge and experience. She's 5 told you she's not familiar with 6 these terms. She's given you what 7 information -- 8 MR. BUCHANAN: Now you're 9 just -- now you're just breaking 10 every rule. 11 BY MR. BUCHANAN: 12 Q. All right. 13 MR. LIMBACHER: You're 14 breaking every rule. 15 MR. BUCHANAN: Can I reread 16 the question? 17 Not at all. Are you going 18 to bring her to trial? If you're 19 going to bring her to trial, I'll 20 just stop. 21 MR. LIMBACHER: You're 22 breaking every rule. 23 MR. BUCHANAN: Are you 24 bringing her to trial? Because</p>	<p>1 reporter read the following part 2 of the record: 3 "Question: And somehow, 4 ma'am, your drugs were the big 5 thing right now, the big thing 6 right now on the streets, what, 7 ten miles from Malvern, 8 Pennsylvania?") 9 - - - 10 BY MR. BUCHANAN: 11 Q. Do you see that referenced 12 in the article, ma'am? 13 MR. LIMBACHER: Object to 14 form and foundation. 15 THE WITNESS: What am I 16 looking at again in the article? 17 BY MR. BUCHANAN: 18 Q. The paragraph we looked at 19 under summary, May 2011, drug 20 intelligence brief, Philadelphia Division 21 Intelligence Program of the DEA, Opana, 22 oxymorphone abuse. 23 Do you see that, ma'am? 24 A. It's written right here.</p>

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<p>1 Yes, I see it.</p> <p>2 Q. Oxymorphone, brand name</p> <p>3 Opana, has been reported by several</p> <p>4 sources of information as the big thing</p> <p>5 right now in pharmaceutical drug abuse in</p> <p>6 the region.</p> <p>7 Did I read that correctly?</p> <p>8 MR. LIMBACHER: You read it</p> <p>9 correctly this time. And you read</p> <p>10 it correctly the last time you</p> <p>11 read it, too.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. You can answer.</p> <p>14 A. I see it, yes. That's the</p> <p>15 way you read it.</p> <p>16 Q. Are you aware that those in</p> <p>17 the DEA were saying that Opana misuse and</p> <p>18 diversion was going to be the next</p> <p>19 OxyContin epidemic?</p> <p>20 A. No, I didn't hear that from</p> <p>21 the DEA.</p> <p>22 Q. Did anyone within Endo share</p> <p>23 that with you?</p> <p>24 A. I cannot speak for other</p>	<p>1 there's a Vin Tormo forwarding this</p> <p>2 e-mail along on June 27, 2011 to a series</p> <p>3 of other employees of Endo.</p> <p>4 Do you see that?</p> <p>5 A. June 27th?</p> <p>6 Q. In the middle of the second</p> <p>7 page.</p> <p>8 A. I see it.</p> <p>9 Q. It says, FYI.</p> <p>10 Do you see that paragraph?</p> <p>11 A. I do.</p> <p>12 Q. It's highlighted on the</p> <p>13 screen, too, for your convenience.</p> <p>14 A. I got it.</p> <p>15 Q. One of our therapeutic</p> <p>16 experts attending the ASIPP, American</p> <p>17 Society of Interventional Pain</p> <p>18 Physicians, meeting this past weekend and</p> <p>19 informed Katherine Jackson, clinical</p> <p>20 affairs manager/pain, Southeast, that a</p> <p>21 speaker from the DEA made some comments</p> <p>22 relating to Opana misuse and diversion.</p> <p>23 Do you see that?</p> <p>24 A. I see it.</p>
Page 427	Page 429
<p>1 departments within Endo.</p> <p>2 Q. Did anyone within Endo share</p> <p>3 that with you?</p> <p>4 A. No.</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 MR. BUCHANAN: 564, please.</p> <p>8 MR. SIEGEL: 564 is being</p> <p>9 marked as Exhibit-22.</p> <p>10 - - -</p> <p>11 (Whereupon, EndoWalker</p> <p>12 Exhibit-22, ENDO00259233-235, was</p> <p>13 marked for identification.)</p> <p>14 - - -</p> <p>15 MR. BUCHANAN: Pass it over,</p> <p>16 please, Scott.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Ma'am, I'm passing you what</p> <p>19 is an e-mail sent -- or a series of</p> <p>20 e-mails sent in 2011 concerning DEA</p> <p>21 representative comments.</p> <p>22 I guess if we go to the</p> <p>23 earliest-in-time e-mail, it's from June</p> <p>24 25, 2011 from a few speakers. Then</p>	<p>1 Q. We talked about that letter</p> <p>2 from 2010 that you received in 2008 from</p> <p>3 a Mr. Rannazzisi, do you recall that,</p> <p>4 from the DEA?</p> <p>5 A. I didn't receive that.</p> <p>6 Q. Remember, Jill Connell sent</p> <p>7 you a letter?</p> <p>8 A. She forwarded it to me, but</p> <p>9 I didn't physically receive it from the</p> <p>10 DEA.</p> <p>11 Q. Oh, I'm sorry.</p> <p>12 You received that letter,</p> <p>13 ma'am, as an attachment from your boss in</p> <p>14 2008, correct?</p> <p>15 A. I don't -- according to the</p> <p>16 e-mail, yes. But I don't recall seeing</p> <p>17 it.</p> <p>18 Q. Let's stay with the e-mail.</p> <p>19 The e-mail reflects that</p> <p>20 your boss forwarded to you a 2007 letter</p> <p>21 from Mr. Rannazzisi of the DEA to</p> <p>22 registrants, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And we discussed a little</p>

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<p style="text-align: right;">Page 430</p> <p>1 bit the obligation, under the Controlled 2 Substances Act, to maintain effective 3 controls against diversion. 4 Do you recall our discussion 5 on that? 6 MR. LIMBACHER: Object to 7 form. 8 THE WITNESS: Yes. 9 BY MR. BUCHANAN: 10 Q. Do you recall your 11 acknowledgment that that was your 12 understanding, that if somebody is 13 selling controlled substances, you, in 14 fact, had that obligation? 15 MR. LIMBACHER: Object to 16 form. 17 THE WITNESS: Right. And I 18 think I explained what my 19 obligation was. And there was 20 other parts of the company and 21 their obligations that I can't 22 speak to. 23 BY MR. BUCHANAN: 24 Q. So here we are in 2011.</p>	<p style="text-align: right;">Page 432</p> <p>1 director of abuse section, DEA. He says 2 Opana is the next OxyContin epidemic. He 3 says watch out for this drug. 4 Did I read that correctly? 5 A. That's what it says in the 6 e-mail. 7 Q. And that drug would have 8 been one of those drugs that you were 9 clearing orders for year after year after 10 year, at least in the Exhibit-1 that we 11 looked at, correct? 12 MR. LIMBACHER: Object to 13 form. 14 THE WITNESS: So if I can 15 remind you, I'm shipping to 16 wholesalers. I'm not shipping to 17 retail pharmacies. I'm shipping 18 to wholesalers. And these orders 19 have gone through multiple SOM 20 programs at Endo and at UPS. 21 BY MR. BUCHANAN: 22 Q. Okay. In terms of the Know 23 Your Customer's Customer program, ma'am, 24 can you please describe the Know Your</p>
<p style="text-align: right;">Page 431</p> <p>1 And, again, a statement about your 2 product, Opana, and misuse and diversion, 3 saying it was the next OxyContin 4 epidemic. 5 Do you see that? 6 A. I see it in the e-mail, 7 sure. 8 Q. Was that brought to your 9 attention by anybody within Endo? 10 A. No. This e-mail was not 11 brought to my attention. 12 Q. So those within Endo, 13 whoever was told that, didn't share that 14 with you? 15 MR. LIMBACHER: Object to 16 form. 17 THE WITNESS: Not that I 18 recall, no. 19 BY MR. BUCHANAN: 20 Q. And we can see this 21 reference further below from a Mr. -- 22 excuse me, Dr. Silverman, MD, that, I am 23 at the ASIFF national meeting in DC, 24 lecture on prescription drug abuse by</p>	<p style="text-align: right;">Page 433</p> <p>1 Customer's Customer program that Endo had 2 in 2011? 3 MR. LIMBACHER: Object to 4 form and foundation. 5 THE WITNESS: I can't recall 6 what we did back in 2011. 7 BY MR. BUCHANAN: 8 Q. Didn't have a Know Your 9 Customer's Customer program in 2011, did 10 you, ma'am? 11 MR. LIMBACHER: Object to 12 form and foundation. 13 THE WITNESS: I can't recall 14 that. 15 BY MR. BUCHANAN: 16 Q. And your customer's 17 customer, in the case of wholesale 18 customers, would be the very pharmacies 19 that you were just referring to, correct? 20 MR. LIMBACHER: Object to 21 form and foundation. 22 THE WITNESS: If that's who 23 the customers are. I can't -- I 24 can't -- I don't know who their</p>

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<p style="text-align: right;">Page 434</p> <p>1 customers are.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. Let's talk about Opana ER.</p> <p>4 Opana ER is reformulated and</p> <p>5 comes to market in 2011, right? That was</p> <p>6 your recollection at least earlier today.</p> <p>7 Good enough for our conversation?</p> <p>8 A. Sure. Some time in 2012.</p> <p>9 Q. It's on the market for</p> <p>10 several years.</p> <p>11 And you know there's some</p> <p>12 safety issues that arise with that drug,</p> <p>13 right?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form.</p> <p>16 THE WITNESS: There's</p> <p>17 benefits to Opana. And there are</p> <p>18 safety issues with any opioid</p> <p>19 medication.</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Okay. And doctors are still</p> <p>22 prescribing the reformulated Opana ER</p> <p>23 today?</p> <p>24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 436</p> <p>1 Endo withdrew the product from the</p> <p>2 market, yes.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. So Endo was told by the FDA</p> <p>5 that the risks outweighed the benefit for</p> <p>6 the product, right?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form and foundation.</p> <p>9 THE WITNESS: I don't know</p> <p>10 that. I don't know what decisions</p> <p>11 were made at Endo and who they</p> <p>12 talked to, as to why it was</p> <p>13 withdrew from the market.</p> <p>14 I just know that it was</p> <p>15 withdrawn from the market.</p> <p>16 MR. BUCHANAN: Can I have</p> <p>17 734, please?</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. Did you keep abreast of</p> <p>20 these kind of reports on the street about</p> <p>21 Opana being prone to abuse and misuse and</p> <p>22 diversion? Were you following news</p> <p>23 reports, I mean, from the Philadelphia</p> <p>24 office of the DEA?</p>
<p style="text-align: right;">Page 435</p> <p>1 form and foundation.</p> <p>2 THE WITNESS: I can't speak</p> <p>3 to what doctors are doing.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. Well, we know you withdrew</p> <p>6 it from the market, right?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form. Misstates the evidence.</p> <p>9 THE WITNESS: I can't --</p> <p>10 that's not part of my</p> <p>11 responsibility. That's somebody</p> <p>12 else at Endo that worked with the</p> <p>13 FDA on it.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. Do you have that -- it's not</p> <p>16 a matter of whose responsibility it is,</p> <p>17 for the moment.</p> <p>18 Do you have an awareness,</p> <p>19 ma'am, that in 2017, the FDA said the</p> <p>20 risks outweigh the benefits and asked you</p> <p>21 to withdraw the drug?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 THE WITNESS: I know that</p>	<p style="text-align: right;">Page 437</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 THE WITNESS: I knew that</p> <p>4 there was an opioid epidemic. But</p> <p>5 there's other people within Endo</p> <p>6 that would -- I would assume that</p> <p>7 would follow that. It's not my</p> <p>8 area of responsibility.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Your area of responsibility</p> <p>11 included suspicious order monitoring,</p> <p>12 fair?</p> <p>13 A. For shipments to our</p> <p>14 wholesalers.</p> <p>15 Q. Right. And it's fair, if</p> <p>16 you didn't clear those orders, they</p> <p>17 wouldn't leave, right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So in order for those</p> <p>20 drugs to get to the street, they had to</p> <p>21 leave the manufacturers, right?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 THE WITNESS: I had</p>

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<p style="text-align: right;">Page 438</p> <p>1 shipments to the wholesalers. 2 After that is not my 3 responsibility. 4 BY MR. BUCHANAN: 5 Q. So your position, ma'am, is 6 Endo had no responsibility to the 7 customers -- to evaluate the customers of 8 Endo's customers? 9 A. Endo had other -- 10 MR. LIMBACHER: Object to 11 form. Misstates her testimony. 12 Nice try, counsel. 13 BY MR. BUCHANAN: 14 Q. Please answer the question. 15 A. There's other departments 16 within Endo that reviewed or potentially 17 had, you know, reviewed suspicious order 18 monitoring or the abuse out there. That 19 was not me. 20 Q. What other department within 21 Endo was clearing suspicious orders, 22 ma'am? 23 MR. LIMBACHER: Object to 24 form. Misstates her testimony.</p>	<p style="text-align: right;">Page 440</p> <p>1 correct? 2 MR. LIMBACHER: Object to 3 form. 4 THE WITNESS: As I explained 5 throughout the entire day today -- 6 BY MR. BUCHANAN: 7 Q. Is that a yes? 8 A. As I have explained -- 9 MR. LIMBACHER: Let her 10 finish her answer. 11 THE WITNESS: -- throughout 12 the entire day -- 13 MR. LIMBACHER: She hasn't 14 interrupted you. 15 THE WITNESS: -- throughout 16 the entire day today, Endo had 17 their own SOM program. UPS Supply 18 Chain Solutions, our 3PL partner, 19 had their own SOM program. 20 Both -- orders were -- flow 21 through both programs before they 22 were shipped. 23 BY MR. BUCHANAN: 24 Q. Okay.</p>
<p style="text-align: right;">Page 439</p> <p>1 THE WITNESS: Do I answer 2 that? 3 I do. 4 BY MR. BUCHANAN: 5 Q. You do. 6 A. But there's other areas 7 within Endo -- 8 Q. Okay. And in terms of 9 clearing -- identifying suspicious orders 10 and releasing held orders, that was the 11 responsibility within your group, 12 correct? 13 A. To shipments to wholesalers. 14 How can -- 15 Q. Do you have my question? 16 A. Pardon? 17 Q. Do you have my question, 18 ma'am? 19 A. Yes, I have your question. 20 And I answered your question. 21 Q. Let's stay with it, then. 22 In terms of identifying, 23 clearing, releasing suspicious orders, 24 that was a responsibility of your group,</p>	<p style="text-align: right;">Page 441</p> <p>1 A. I'm not quite sure how many 2 times I need to explain that. 3 Q. You don't need to. You 4 don't need to. 5 You just need to answer my 6 question, ma'am. 7 A. I did answer your question. 8 Q. Okay. Then let's do it, 9 okay? 10 You talked about other 11 groups within Endo. 12 A. I can't speak about other 13 groups within Endo. 14 Q. Exactly. So stay, please, 15 with your group. 16 A. I am staying within my 17 group. 18 Q. And please let me finish my 19 question. 20 Your group had the 21 responsibility for identifying a 22 suspicious order within Endo, correct? 23 A. With shipment to 24 wholesalers, period. Period. Shipments</p>

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<p style="text-align: right;">Page 442</p> <p>1 to wholesalers.</p> <p>2 Q. Orders from Endo's</p> <p>3 customers, that was your job to identify</p> <p>4 and report suspicious orders, right?</p> <p>5 A. Depends on what your --</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form. Foundation. You've asked</p> <p>8 this question --</p> <p>9 THE WITNESS: I don't know</p> <p>10 how many times I have to do this.</p> <p>11 MR. LIMBACHER: -- multiple,</p> <p>12 multiple times.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. You can answer.</p> <p>15 A. How many times do I have to</p> <p>16 answer the question?</p> <p>17 Q. You can just stay with my</p> <p>18 question, and we'll be done.</p> <p>19 MR. LIMBACHER: Well, you've</p> <p>20 asked it multiple times. I think</p> <p>21 you've got an answer on the record</p> <p>22 many times.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Orders from Endo's</p>	<p style="text-align: right;">Page 444</p> <p>1 not shipments to wholesalers.</p> <p>2 Q. Okay. And if you didn't</p> <p>3 release those held orders, they didn't go</p> <p>4 to the wholesalers, right?</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form. Argumentative.</p> <p>7 THE WITNESS: No, they</p> <p>8 wouldn't have gone to the</p> <p>9 wholesalers.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. And you released every one</p> <p>12 you got?</p> <p>13 A. Because they went through</p> <p>14 our program and UPS's program.</p> <p>15 Q. Okay. Let's talk about 734,</p> <p>16 please.</p> <p>17 MR. SIEGEL: Exhibit-23.</p> <p>18 - - -</p> <p>19 (Whereupon, EndoWalker</p> <p>20 Exhibit-23, No Bates, 6/8/17 FDA</p> <p>21 News Release, was marked for</p> <p>22 identification.)</p> <p>23 - - -</p> <p>24 MR. LIMBACHER: We've been</p>
<p style="text-align: right;">Page 443</p> <p>1 customers --</p> <p>2 A. To wholesalers.</p> <p>3 Q. Whoever Endo's customers</p> <p>4 are.</p> <p>5 A. Wholesalers, period.</p> <p>6 Q. Orders from Endo's</p> <p>7 customers, it was your job to evaluate</p> <p>8 those to identify if they were of unusual</p> <p>9 size, quantity or frequency; yes or no?</p> <p>10 A. And class of trade.</p> <p>11 Q. And, later, class of trade?</p> <p>12 A. Yes.</p> <p>13 Q. Correct?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form. Asked and answered.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. No other group within Endo</p> <p>18 was doing that, correct?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form. Asked and answered.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. No other group --</p> <p>23 A. Other groups within Endo may</p> <p>24 have been monitoring different things,</p>	<p style="text-align: right;">Page 445</p> <p>1 going about an hour, counsel.</p> <p>2 THE WITNESS: No, I want to</p> <p>3 keep going and get this done.</p> <p>4 MR. LIMBACHER: We've been</p> <p>5 going about an hour, so I would</p> <p>6 like to --</p> <p>7 MR. BUCHANAN: The witness</p> <p>8 wants to keep going.</p> <p>9 MR. LIMBACHER: With all due</p> <p>10 respect, I'd like to take a break,</p> <p>11 if now is an appropriate time.</p> <p>12 MR. BUCHANAN: That's fine.</p> <p>13 MR. LIMBACHER: Thank you.</p> <p>14 Appreciate it.</p> <p>15 VIDEO TECHNICIAN: Off the</p> <p>16 record. The time is 3:57.</p> <p>17 - - -</p> <p>18 (Whereupon, a brief recess</p> <p>19 was taken.)</p> <p>20 - - -</p> <p>21 MR. SIEGEL: Exhibit-24.</p> <p>22 - - -</p> <p>23 (Whereupon, EndoWalker</p> <p>24 Exhibit-24,</p>

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<p style="text-align: right;">Page 446</p> <p>1 ENDO_DATA-OPIOID_MDL-00000022, 2 With Attachment, was marked for 3 identification.) 4 - - - 5 VIDEO TECHNICIAN: Going 6 back on the record. The beginning 7 of Media File Number 8. The time 8 is 4:11. 9 MR. SIEGEL: 652 is going 10 back on the record as Exhibit-24. 11 MR. LIMBACHER: I don't have 12 a 23. 13 MR. BUCHANAN: I think I 14 identified it, and we're getting 15 ready to pass it. It was a notice 16 from the FDA. I'm going to take 17 that out of order, so we'll get 18 back to 23 in a moment. 19 BY MR. BUCHANAN: 20 Q. I'm passing you what we're 21 marking as Exhibit-24. 22 MR. BUCHANAN: Counsel, to 23 save trees, I've only printed one 24 full copy of the exhibit. The --</p>	<p style="text-align: right;">Page 448</p> <p>1 version so the record has the full 2 version. 3 BY MR. BUCHANAN: 4 Q. Ma'am, I'm passing you what 5 we just marked as -- 6 MR. BUCHANAN: Was that 24, 7 Scott? 8 MR. SIEGEL: Yes. 9 BY MR. BUCHANAN: 10 Q. -- Exhibit-24 to your 11 deposition. 12 It's a printout of an Excel 13 spreadsheet. I see you nodding. 14 Does it look familiar to 15 you, or at least a format you're familiar 16 with? 17 A. Yes. 18 Q. What is Exhibit-24? 19 A. It's a list of excessive 20 orders that were released -- reviewed and 21 released. 22 Q. This is a report that can be 23 generated from the company's SAP system? 24 A. Yes, it can.</p>
<p style="text-align: right;">Page 447</p> <p>1 if you can read the full Bates 2 numbers on the record, I would be 3 grateful for the trees. 4 MR. LIMBACHER: Okay. 5 Exhibit-24 Bates numbers appear to 6 be Endo Opioid MDL22 through -- 7 MR. SIEGEL: It's an Excel 8 file. 9 MR. TOLIN: It's Endo Data. 10 MR. LIMBACHER: Sorry, Endo 11 Data Opioid MDL22 -- I don't see 12 any Bates numbers after that. 13 MR. SIEGEL: It's a native 14 file. 15 MR. BUCHANAN: Thank you. 16 So it's a native file. The file 17 was produced at that particular 18 Bates reference, and it's an Excel 19 printout. 20 Can you please pass counsel, 21 Scott, for his convenience, the 22 first 25 pages or so. We are not 23 going to get beyond that. But the 24 witness should have the full</p>	<p style="text-align: right;">Page 449</p> <p>1 Q. And there are various fields 2 that are captured in this particular 3 report, fair? 4 A. Yes. 5 Q. And you can go in and you 6 can request a date window for the report; 7 is that fair? 8 A. The SAP team may be able to, 9 yes. 10 Q. Well, I mean, do you, as an 11 end user, have the ability to request an 12 SOM audit trail report? 13 A. No. The report that I 14 generate is just orders currently on 15 hold. 16 Q. That would be the current 17 pending or held orders? 18 A. Right. 19 Q. Okay. You do recognize the 20 format of this report as one that can be 21 generated from the company's data systems 22 with regard to orders in SAP? 23 MR. LIMBACHER: Object to 24 form and foundation.</p>

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<p style="text-align: right;">Page 450</p> <p>1 THE WITNESS: If you got 2 this from our SAP team, then, yes, 3 this is how they generated the 4 data. 5 BY MR. BUCHANAN: 6 Q. This was produced to me in 7 litigation, ma'am. So -- 8 A. It looks like it was 9 generated from our SAP database. 10 Q. Got you. Okay. 11 You recognize a column where 12 the codes for why an order was held to be 13 flagged? 14 MR. LIMBACHER: Object to 15 form. 16 THE WITNESS: Yes. 17 BY MR. BUCHANAN: 18 Q. What column would that be, 19 ma'am? 20 A. I don't think there's any 21 column headers on here. 22 Q. They are on the first page. 23 And if it's easier, we can have the 24 screen blow it up and --</p>	<p style="text-align: right;">Page 452</p> <p>1 with 1, they start with 10; so when you 2 see 60, it's not 60 lines. Just for 3 clarification so everybody understands. 4 Q. Line 10 is Line 1, Line 30 5 is Line 3? 6 A. Yes, correct. 7 Q. So let's scroll down to, 8 it's about five, that ends in 105. 9 Do you see that? 10 A. I'm sorry, which number? 11 Q. It's highlighted on your 12 screen for your convenience. 13 Do you see order sales doc 14 105? 15 A. Yes. 16 Q. Would that indicate, then, 17 we have a particular order within SAP, 18 the order code within SAP is 105, and 19 there are two line items that were held 20 in that particular order; is that the way 21 we should read this? 22 A. Yes, Line 30 and Line 60. 23 Q. And that would be Line -- 24 Item 3 or Item 6?</p>
<p style="text-align: right;">Page 451</p> <p>1 A. No, that's okay. The 2 release code, I'm assuming that's what 3 you're referring to. 4 Q. Yes. So on the screen 5 before you, it may be easier on your 6 eyes, certainly easier on mine, sales 7 doc, that would be a sales order number, 8 ma'am? 9 A. Within SAP, yes. 10 Q. That's a unique identifying 11 record within SAP? 12 A. Yes. 13 Q. Item, would that be the 14 company's item code for its products? 15 A. No. Item is the line number 16 of the order. 17 Q. Understood. 18 So an order could have one 19 item, an order could have 100 items, and 20 this is the relevant line item within the 21 order? 22 A. Right. 23 Just for clarification, so 24 you all know, our SAP items don't start</p>	<p style="text-align: right;">Page 453</p> <p>1 A. Right. 2 Q. What is SATY stand for, 3 ma'am? 4 A. That's the order type. 5 Q. Okay. And what does that 6 mean? 7 A. It's how the order was 8 generated to us. 9 So a ZCII order type is a 10 manual CT order. 11 Q. And the one with the E on 12 the end is electronic? 13 A. Correct. 14 Q. And one came on the old DEA 15 forms, and the other came electronically? 16 A. Yes, that's correct. 17 Q. What does SORG, period, 18 mean? 19 A. Sales org. It's the sales 20 org within the system. 21 Q. Would you expect that to be 22 0010 for every -- 23 A. For all of our opioids, yes. 24 Q. And what does that indicate?</p>

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<p>1 That that's attributable to your internal</p> <p>2 sales staff, is that what it's tracking,</p> <p>3 or do you have knowledge?</p> <p>4 A. It's a financial code. We</p> <p>5 have different products that fall in</p> <p>6 different sales orgs. It's a financial</p> <p>7 thing.</p> <p>8 Q. What does 0010 stand for?</p> <p>9 A. It's Endo Pharmaceuticals.</p> <p>10 Q. So you would expect that</p> <p>11 maybe a different division of Endo, Inc.</p> <p>12 might have different sales organizations?</p> <p>13 A. Depending on the product,</p> <p>14 yes. But for purposes of opioids, they</p> <p>15 are all 0010.</p> <p>16 Q. SOMS release code, what is</p> <p>17 that?</p> <p>18 A. That's the number within the</p> <p>19 order when you release it.</p> <p>20 Q. I'm sorry, could you explain</p> <p>21 that further?</p> <p>22 A. Each of the release codes</p> <p>23 have different numbers. So the number is</p> <p>24 assigned to the order. The long text</p>	<p>1 Q. If we go back to --</p> <p>2 A. I'm assuming it's the line,</p> <p>3 but I don't want to confirm that.</p> <p>4 Q. Let's scroll down to the one</p> <p>5 that ended in 005 -- I'm sorry, 105.</p> <p>6 Do you see that there are</p> <p>7 two line items in that order?</p> <p>8 A. 1005, you said?</p> <p>9 Q. Yes. 105. Do you see it on</p> <p>10 the screen highlighted?</p> <p>11 A. Right. And it's the same</p> <p>12 dollar value?</p> <p>13 Q. I guess we would have to</p> <p>14 look further.</p> <p>15 A. No. I'm sorry, I'm pointing</p> <p>16 to the screen. The 1005 and both of them</p> <p>17 say 37905, so, to me, that tells me</p> <p>18 that's the value of the total order, not</p> <p>19 the line item.</p> <p>20 Q. Okay. I guess one way to</p> <p>21 figure this out for sure would be to find</p> <p>22 some other sales document, order numbers</p> <p>23 that are identical, and see whether it's</p> <p>24 always the same net value?</p>
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<p>1 explains the correlation between the long</p> <p>2 text and the release code.</p> <p>3 Q. So we can fairly understand</p> <p>4 that SOMS Release Code 3 means change in</p> <p>5 order schedule?</p> <p>6 A. Right.</p> <p>7 Q. SOMS Release Code 1 means</p> <p>8 new business, right?</p> <p>9 A. Right.</p> <p>10 Q. Net value.</p> <p>11 MR. BUCHANAN: Can you</p> <p>12 scroll to the right a little?</p> <p>13 Not so far, I'm sorry. Right</p> <p>14 about there.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. So net value, that would be</p> <p>17 the value of that line item in that</p> <p>18 particular order?</p> <p>19 A. I don't know -- I would have</p> <p>20 to look at the order in the system. I</p> <p>21 don't know if that's the net value of the</p> <p>22 entire order or the net value of the</p> <p>23 line. I don't know that without looking</p> <p>24 at the actual order in the system.</p>	<p>1 A. Right.</p> <p>2 Q. If they were different,</p> <p>3 would that tell you that, in fact, that</p> <p>4 was the value of the line item?</p> <p>5 A. The line, right.</p> <p>6 MR. BUCHANAN: Let's scroll</p> <p>7 to the right.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Currency for the</p> <p>10 transaction, is that what CURR stands</p> <p>11 for?</p> <p>12 A. Yes.</p> <p>13 Q. Sold to, is that the</p> <p>14 customer code for the particular entity?</p> <p>15 A. It's the sold to number of</p> <p>16 the wholesaler, or the sold to name, yes.</p> <p>17 Q. Is that a registration</p> <p>18 number or is that the internal client</p> <p>19 number for Endo?</p> <p>20 A. Internal SAP number.</p> <p>21 Q. Fine.</p> <p>22 NDC, that's the product NDC</p> <p>23 code for the drug at issue?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">Page 458</p> <p>1 But on the screen, you guys</p> <p>2 have it cut off. It's not the correct</p> <p>3 NDC number the way it's in Excel.</p> <p>4 Q. Yeah, that's an Excel thing.</p> <p>5 If we expanded the column out, we would</p> <p>6 see whatever the real NDC number is?</p> <p>7 A. Yes.</p> <p>8 Q. And you would expect, if we</p> <p>9 expanded it out, that would be the NDC</p> <p>10 number that correlated with the drug</p> <p>11 dosage, unit count, et cetera --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- correct?</p> <p>14 A. Yes.</p> <p>15 Q. Because each dosage size and</p> <p>16 unit count has a separate NDC number,</p> <p>17 correct?</p> <p>18 A. Each product has a separate</p> <p>19 NDC number.</p> <p>20 Q. And a product is not just</p> <p>21 Opana ER, it's Opana ER, 15-milligram, 60</p> <p>22 counts?</p> <p>23 A. Yes, correct.</p> <p>24 Q. 100 counts would be a</p>	<p style="text-align: right;">Page 460</p> <p>1 Q. Okay. Do you have</p> <p>2 visibility to that in your day-to-day</p> <p>3 job? You can see what the net value and</p> <p>4 the gross value is of orders?</p> <p>5 A. It's listed --</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: It's listed on</p> <p>9 the order, yes.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Order quantity, ma'am, is</p> <p>12 that quantity of the 60 count, or is that</p> <p>13 in dosage units?</p> <p>14 A. That's the selling unit. So</p> <p>15 it's a 60-count bottle.</p> <p>16 Q. And then we see confirmed</p> <p>17 quantity on the right.</p> <p>18 Do you see that?</p> <p>19 A. Uh-huh.</p> <p>20 Q. And that would be the</p> <p>21 quantity you actually shipped, right?</p> <p>22 A. Yes.</p> <p>23 Q. What we have -- I'm sorry,</p> <p>24 we see on the left, order quantity.</p>
<p style="text-align: right;">Page 459</p> <p>1 different product -- or a different NDC</p> <p>2 number, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Scrolling to the right, what</p> <p>5 does PLNT stand for?</p> <p>6 A. Plant. That's the</p> <p>7 distribution center, 0020 means Memphis.</p> <p>8 Q. And that would be the UPS</p> <p>9 facility where all orders were shipped</p> <p>10 from?</p> <p>11 A. For the opioids, yes.</p> <p>12 Q. We have a net value.</p> <p>13 Would the financial kind of</p> <p>14 values be something you dealt with in</p> <p>15 your day-to-day business, ma'am, the net</p> <p>16 value of a given order? Is that just --</p> <p>17 is that something that's coming out of</p> <p>18 the accounting function?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: That's coming</p> <p>22 out of -- that's coming off the</p> <p>23 order.</p> <p>24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 461</p> <p>1 Immediately to the right of that, we see</p> <p>2 cumulative confirmed quantity.</p> <p>3 Is that how you understand</p> <p>4 that abbreviation?</p> <p>5 A. That's just an SAP term.</p> <p>6 It's the confirmed quantity. Order</p> <p>7 quantity is what the customer ordered,</p> <p>8 and the confirmed quantity is what was</p> <p>9 committed on the order to ship.</p> <p>10 Q. Well, then we see to the</p> <p>11 right, Ship to party.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Is that a quantity or is</p> <p>15 that an address of where the stuff is</p> <p>16 going?</p> <p>17 A. It's the ship-to party for</p> <p>18 the address of who is receiving the</p> <p>19 product. It's an internal SAP number.</p> <p>20 MR. BUCHANAN: So if we</p> <p>21 scroll to the left, please. I'm</p> <p>22 sorry, can you go to the left? A</p> <p>23 little further. I just want to</p> <p>24 identify.</p>

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<p style="text-align: right;">Page 462</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. So we see it's sold to Smith</p> <p>3 Drug Company, and on the right would be</p> <p>4 the actual shipping address of Smith Drug</p> <p>5 Company? I'm sorry, the top line.</p> <p>6 A. That's correct. You have a</p> <p>7 sold to for the sold to location of the</p> <p>8 wholesaler. And then the ship to is who</p> <p>9 is supposed to be getting the product for</p> <p>10 that customer, for that wholesaler.</p> <p>11 Q. Smith Drug Company is a</p> <p>12 wholesaler?</p> <p>13 A. They are, yes.</p> <p>14 MR. BUCHANAN: Let's go to</p> <p>15 the right.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. And we have the address</p> <p>18 where it was shipped.</p> <p>19 MR. BUCHANAN: Keep</p> <p>20 scrolling. And I think that</p> <p>21 encompasses all of our fields.</p> <p>22 Great.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Does this system, which I</p>	<p style="text-align: right;">Page 464</p> <p>1 customer is and which DC it's shipping</p> <p>2 to.</p> <p>3 Q. Great. Thank you.</p> <p>4 MR. BUCHANAN: Scott, what</p> <p>5 was the exhibit number we marked</p> <p>6 734 as before the break?</p> <p>7 MR. SIEGEL: 23.</p> <p>8 MR. BUCHANAN: I'm passing</p> <p>9 you Exhibit-23, ma'am.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Do you recall before the</p> <p>12 break we were talking about Opana ER.</p> <p>13 And in 2017, do you recall</p> <p>14 the FDA requesting the company to remove</p> <p>15 Opana ER from the market, correct?</p> <p>16 A. Yes.</p> <p>17 Q. First paragraph states,</p> <p>18 Today the U.S. Food and Drug</p> <p>19 Administration requested that Endo</p> <p>20 Pharmaceuticals remove its opioid pain</p> <p>21 medication, reformulated Opana ER, from</p> <p>22 the market. After careful consideration,</p> <p>23 the agency is seeking removal based on</p> <p>24 its concern that the benefits of the drug</p>
<p style="text-align: right;">Page 463</p> <p>1 understand to be an SOM audit trail,</p> <p>2 identify the reason the order was held or</p> <p>3 appended?</p> <p>4 MR. LIMBACHER: Object to</p> <p>5 form.</p> <p>6 THE WITNESS: There is</p> <p>7 details behind this as to why it</p> <p>8 was held by order size or</p> <p>9 frequency, yes, or class of trade,</p> <p>10 benchmark.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. So you can see the</p> <p>13 particular reason it tripped the wire?</p> <p>14 A. Yes. It gives you the data</p> <p>15 as to why it was flagged.</p> <p>16 Q. In your SAP system?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. All right. Ma'am,</p> <p>19 you can set that aside.</p> <p>20 I guess, just so the record</p> <p>21 is clear, you can identify the order from</p> <p>22 or the ship to state using that same</p> <p>23 chart, correct, of the customer?</p> <p>24 A. Yes. It gives you who the</p>	<p style="text-align: right;">Page 465</p> <p>1 may no longer outweigh the risks.</p> <p>2 Do you see that, ma'am?</p> <p>3 A. Yes.</p> <p>4 Q. Is that your recollection of</p> <p>5 what happened in the summer of 2017?</p> <p>6 A. I know the FDA made a</p> <p>7 request for us to remove Opana.</p> <p>8 Q. Okay.</p> <p>9 MR. BUCHANAN: Could we</p> <p>10 have, please, 646?</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. So they request in June that</p> <p>13 the company remove Opana ER reformulated</p> <p>14 from the markets, correct?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Did you continue selling it</p> <p>17 after that?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form. Foundation.</p> <p>20 THE WITNESS: The company</p> <p>21 worked with the FDA and a decision</p> <p>22 was made, we sold it through</p> <p>23 August 31st of '17.</p> <p>24 BY MR. BUCHANAN:</p>

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<p style="text-align: right;">Page 466</p> <p>1 Q. So you kept selling it after</p> <p>2 the request from the FDA to withdraw it</p> <p>3 from the market?</p> <p>4 A. I know that --</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form and foundation.</p> <p>7 THE WITNESS: I know that</p> <p>8 Endo worked with the FDA on a</p> <p>9 cease distribution date, and it</p> <p>10 was August 31st, 2017. I don't</p> <p>11 know the decisions behind that</p> <p>12 date, but I know that our ship</p> <p>13 date was August 31st.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. Do you remember trying to</p> <p>16 blow it out?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Going out of business</p> <p>21 pricing?</p> <p>22 MR. LIMBACHER: Object to</p> <p>23 form.</p> <p>24 THE WITNESS: No.</p>	<p style="text-align: right;">Page 468</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 THE WITNESS: All I can tell</p> <p>4 you is that Endo worked with the</p> <p>5 FDA, and the agreed-upon cease</p> <p>6 shipping date was August 31st,</p> <p>7 2017.</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. Do you recall when the</p> <p>10 company went and talked to the FDA, I</p> <p>11 guess it was a teleconference, in July of</p> <p>12 2017, that the FDA once again said that</p> <p>13 the benefits no longer outweighed the</p> <p>14 risks of Opana ER? Do you recall that,</p> <p>15 ma'am?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form and foundation.</p> <p>18 THE WITNESS: I don't know</p> <p>19 the outcome of that</p> <p>20 teleconference. I don't know</p> <p>21 anything that went into that.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. But as a factual matter, the</p> <p>24 company continued to ship the product --</p>
<p style="text-align: right;">Page 467</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. So in June of 2017, the FDA</p> <p>3 requests Endo to withdraw Opana ER from</p> <p>4 the market, correct?</p> <p>5 A. Yes.</p> <p>6 Q. The company doesn't</p> <p>7 immediately withdraw it from the market,</p> <p>8 right?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form.</p> <p>11 THE WITNESS: I know that</p> <p>12 the company worked with the FDA on</p> <p>13 the -- an agreed-upon cease</p> <p>14 shipping date was determined, and</p> <p>15 that was August 31st.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. Okay.</p> <p>18 A. There are benefits to Opana,</p> <p>19 so we had to ensure that patients that</p> <p>20 are using it correctly continue therapy</p> <p>21 until they moved to a different therapy.</p> <p>22 Q. Do you recall the statements</p> <p>23 of the FDA that the benefits no longer</p> <p>24 outweighed the risks of Opana?</p>	<p style="text-align: right;">Page 469</p> <p>1 MR. LIMBACHER: Object to</p> <p>2 form.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. -- until the end of August;</p> <p>5 is that correct?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form. Asked and answered.</p> <p>8 THE WITNESS: All I can tell</p> <p>9 you is I know that the -- Endo and</p> <p>10 FDA agreed that August 31st, 2017</p> <p>11 was going to be our last shipping</p> <p>12 date. I don't know the details</p> <p>13 behind that date. I don't know</p> <p>14 what went into it. I can just</p> <p>15 tell you that was my last shipping</p> <p>16 date.</p> <p>17 MR. BUCHANAN: Did we pass</p> <p>18 it over, Scott?</p> <p>19 MR. SIEGEL: This is being</p> <p>20 marked as Exhibit-25.</p> <p>21 - - -</p> <p>22 (Whereupon, EndoWalker</p> <p>23 Exhibit-25,</p> <p>24 ENDO_OPIOID_MDL_02062332-333, was</p>

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<p style="text-align: right;">Page 470</p> <p>1 marked for identification.)</p> <p>2 - - -</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. So this is an interaction</p> <p>5 you're having, ma'am, after, I guess,</p> <p>6 being alerted -- well, this is later in</p> <p>7 time, right?</p> <p>8 This is June 12, 2017. This</p> <p>9 would be after you got word of the FDA</p> <p>10 requesting the withdrawal of Opana ER</p> <p>11 from the market.</p> <p>12 Do you recall that?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Do you recall that?</p> <p>15 A. I'm sorry, the question? I</p> <p>16 was reading the e-mail so I can get up to</p> <p>17 speed.</p> <p>18 Say that again, please.</p> <p>19 Q. Do you recall that after,</p> <p>20 what was it, early June 2017, the FDA</p> <p>21 requested the withdraw of Opana ER from</p> <p>22 the market?</p> <p>23 A. Yes.</p> <p>24 Q. And you recall -- I guess</p>	<p style="text-align: right;">Page 472</p> <p>1 direction from Endo as to what we</p> <p>2 were going to do after the FDA</p> <p>3 made that announcement.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. And on June 12, I guess, you</p> <p>6 talked to ABC. Is that</p> <p>7 AmerisourceBergen, ma'am?</p> <p>8 A. Yes, it is.</p> <p>9 Q. And you write, We talked to</p> <p>10 ABC and it's business as usual until they</p> <p>11 hear direction from Endo.</p> <p>12 Is that right?</p> <p>13 A. Correct.</p> <p>14 Q. Business as usual, they're</p> <p>15 going to continue to buy?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: Right. Until</p> <p>19 Endo made a decision of what we</p> <p>20 were going to do.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. And you talked to McKesson,</p> <p>23 and McKesson was also saying shipping and</p> <p>24 business as usual with regard to this</p>
<p style="text-align: right;">Page 471</p> <p>1 you were dealing and interacting with</p> <p>2 various wholesalers, right?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. We're looking here at --</p> <p>8 MR. BUCHANAN: What did we</p> <p>9 say this was, 26?</p> <p>10 MR. SIEGEL: 25.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. 25, you're having some</p> <p>13 interaction with Cardinal and McKesson</p> <p>14 and with ABC, right?</p> <p>15 A. Yes.</p> <p>16 Q. Cardinal was looking into</p> <p>17 what they were going to do, whether they</p> <p>18 were going to continue to purchase this</p> <p>19 drug that had been requested to be</p> <p>20 withdrawn from the market, right?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: Our</p> <p>24 wholesalers were waiting for</p>	<p style="text-align: right;">Page 473</p> <p>1 drug that the FDA had said the benefits</p> <p>2 no longer outweigh the risks; is that</p> <p>3 right?</p> <p>4 MR. LIMBACHER: Object to</p> <p>5 form.</p> <p>6 THE WITNESS: That's what</p> <p>7 the FDA said, yes. But Endo</p> <p>8 continued to ship.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Yeah. They did.</p> <p>11 And they shipped until the</p> <p>12 end of August 2017, right?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form. Asked and answered multiple</p> <p>15 times.</p> <p>16 THE WITNESS: I know that</p> <p>17 date was agreed upon between Endo</p> <p>18 and the FDA.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. You shipped \$50 million</p> <p>21 worth of Opana ER after the FDA told you</p> <p>22 that the benefits no longer outweigh the</p> <p>23 risks, right?</p> <p>24 A. I can't --</p>

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<p style="text-align: right;">Page 474</p> <p>1 MR. LIMBACHER: Object to 2 form. Foundation. 3 THE WITNESS: I can't 4 confirm the dollar value. I don't 5 know. 6 BY MR. BUCHANAN: 7 Q. Do you remember discounting 8 Opana ER to blow it out? 9 MR. LIMBACHER: Object to 10 form. Foundation. 11 BY MR. BUCHANAN: 12 Q. In August of 2017, having 13 special programs with your wholesalers 14 for this drug for which the benefits no 15 longer outweighed the risk? 16 MR. LIMBACHER: Object to 17 form. Foundation. 18 THE WITNESS: I know that we 19 had to stop shipping on August 20 31st, 2017. 21 And there are benefits to 22 Opana. 23 BY MR. BUCHANAN: 24 Q. Not that are outweighed --</p>	<p style="text-align: right;">Page 476</p> <p>1 colleagues at UPS talking about the Opana 2 transition, right? 3 A. Uh-huh. 4 Q. Do you recall this e-mail, 5 ma'am? 6 MR. LIMBACHER: Take your 7 time and read the document. 8 BY MR. BUCHANAN: 9 Q. Do you recall this e-mail, 10 ma'am? 11 A. I do. 12 Q. So August 22nd, 2017 would 13 be the earliest in time. It's the bottom 14 of the first page. 15 You note there's going to be 16 a lot of information that you're going to 17 outline below, and you then set forth 18 various categories of information, fair? 19 A. Yes. 20 Q. Okay. Orders, Some 21 wholesalers are participating in a 22 transition program in which they can 23 purchase certain inventory to ensure 24 patients have enough during this period.</p>
<p style="text-align: right;">Page 475</p> <p>1 not that outweigh the risks, that's what 2 you were told, right? 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: That's what 6 the FDA stated. 7 BY MR. BUCHANAN: 8 Q. Right. 9 MR. BUCHANAN: Can I please 10 have 645? 11 MR. SIEGEL: 645 is being 12 marked as Exhibit-26. 13 - - - 14 (Whereupon, EndoWalker 15 Exhibit-26, 16 ENDO_OPIOID_MDL_01681499-501, was 17 marked for identification.) 18 - - - 19 BY MR. BUCHANAN: 20 Q. I'm passing you what has 21 been marked as Exhibit-26 to your 22 deposition, ma'am. 23 We're at the end of August 24 2017. You send an e-mail out to several</p>	<p style="text-align: right;">Page 477</p> <p>1 Did I read that correctly? 2 A. Yes, you did. 3 Q. Yeah. You have alerted the 4 UPS SOM team about this program as the 5 orders will be larger than normal, right? 6 A. Uh-huh. 7 Q. Is that right? 8 A. Yes. 9 Q. There is a promotion set up 10 in SAP that will need to be applied to 11 the orders. 12 Do you recall that? 13 A. That's what you're stating, 14 yes. 15 Q. Well, that's what you wrote, 16 right? 17 A. Yes. 18 Q. Okay. And what you were 19 doing is you were giving these 20 distributors 20 percent off, right? 21 MR. LIMBACHER: Object to 22 form. 23 THE WITNESS: I believe it 24 was something like that, yes.</p>

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<p style="text-align: right;">Page 478</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. 20 percent off on a drug</p> <p>3 that the benefits no longer outweigh the</p> <p>4 risks, that you're pushing out the door</p> <p>5 in the last two weeks of August 2017</p> <p>6 before the cutoff, do I understand that</p> <p>7 correctly?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: But there are</p> <p>11 patients that use this product and</p> <p>12 need this product, and we wanted</p> <p>13 to ensure there was enough out</p> <p>14 there for these patients during</p> <p>15 the transition period so they can</p> <p>16 work with their healthcare</p> <p>17 provider to go on to some type of</p> <p>18 other therapy.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Getting back to my question,</p> <p>21 ma'am, do I have correctly what, in fact,</p> <p>22 you were doing at the end of August of</p> <p>23 2017?</p> <p>24 MR. LIMBACHER: Object to</p>	<p style="text-align: right;">Page 480</p> <p>1 Q. 20 percent off --</p> <p>2 MR. LIMBACHER: Object to</p> <p>3 form.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. -- blowing the inventory out</p> <p>6 to your wholesale customers, right?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: We were not</p> <p>10 blowing inventory out to our</p> <p>11 customers. We wanted to ensure</p> <p>12 there was enough on the market so</p> <p>13 patients had enough during this</p> <p>14 transition period.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. In fact, ma'am, you told the</p> <p>17 FDA, in the summer of 2017, you were</p> <p>18 going to stop producing Opana then,</p> <p>19 right?</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. Stop making it --</p> <p>24 MR. LIMBACHER: Are you</p>
<p style="text-align: right;">Page 479</p> <p>1 form. I think she answered your</p> <p>2 question.</p> <p>3 THE WITNESS: I answered</p> <p>4 your question. That's what we</p> <p>5 were doing. We were shipping</p> <p>6 these orders to ensure that</p> <p>7 patients that needed this product</p> <p>8 had enough during the transition</p> <p>9 period so they could work with</p> <p>10 their healthcare provider to go on</p> <p>11 a different therapy.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. 20 percent off?</p> <p>14 A. I -- that was --</p> <p>15 MR. LIMBACHER: Object to</p> <p>16 form.</p> <p>17 THE WITNESS: I had nothing</p> <p>18 to do with that.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. Is that a true statement, 20</p> <p>21 percent off?</p> <p>22 A. I think there was 20 percent</p> <p>23 off. But that has nothing to do with me.</p> <p>24 I don't make those decisions --</p>	<p style="text-align: right;">Page 481</p> <p>1 suggesting --</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. -- in July of 2017?</p> <p>4 MR. LIMBACHER: -- that Mrs.</p> <p>5 Walker --</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. Are you aware of that?</p> <p>8 MR. LIMBACHER: -- made that</p> <p>9 representation?</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Are you aware of that?</p> <p>12 MR. LIMBACHER: Aware of</p> <p>13 what? What is the question?</p> <p>14 MR. BUCHANAN: If you would</p> <p>15 stop stepping on my question, you</p> <p>16 can read it.</p> <p>17 MR. LIMBACHER: I object to</p> <p>18 the form of your question,</p> <p>19 because --</p> <p>20 BY MR. BUCHANAN:</p> <p>21 Q. Go ahead, you can answer.</p> <p>22 MR. LIMBACHER: -- it's</p> <p>23 vague and unclear who you're</p> <p>24 talking about.</p>

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<p style="text-align: right;">Page 482</p> <p>1 THE WITNESS: Clarify your 2 question, please. 3 BY MR. BUCHANAN: 4 Q. Are you aware the company 5 represented to the FDA it was going to 6 stop making it in July of 2017? 7 MR. LIMBACHER: Object to 8 form and foundation. 9 BY MR. BUCHANAN: 10 Q. Stop making it then. 11 A. We did stop making it. We 12 did not make any more product. 13 Q. So what you were doing, 14 then, at the end of the August of 2017 15 was blowing out your excess inventory for 16 20 percent off? 17 MR. LIMBACHER: Object to 18 form and foundation. 19 THE WITNESS: No. We were 20 not. 21 MR. LIMBACHER: Asked and 22 answered. 23 BY MR. BUCHANAN: 24 Q. Is it not true that you</p>	<p style="text-align: right;">Page 484</p> <p>1 BY MR. BUCHANAN: 2 Q. Special offering for your 3 wholesalers, 20 percent discount on 4 Opana, before you voluntarily withdraw it 5 from the market on September 1, 2017; 6 that's what the company did, right? 7 MR. LIMBACHER: Object to 8 form. Foundation. I don't know 9 what document you're reading from, 10 counsel. 11 BY MR. BUCHANAN: 12 Q. Is that true? 13 MR. LIMBACHER: Object to 14 form. Foundation. 15 THE WITNESS: I know that 16 there -- 17 MR. LIMBACHER: Asked and 18 answered. 19 THE WITNESS: I don't make 20 the decisions around the offering 21 that was made. That was not my 22 decision. 23 BY MR. BUCHANAN: 24 Q. I just want to make sure the</p>
<p style="text-align: right;">Page 483</p> <p>1 offered a 20 percent discount on this 2 drug that the FDA had asked you to 3 withdraw from the market in June of 2017? 4 Is that true that you were doing that, 5 ma'am? 6 MR. LIMBACHER: Object to 7 form. Foundation. Asked and 8 answered multiple times. 9 THE WITNESS: I do not make 10 the decisions around any type of 11 promotion with our customers. 12 All I -- may I finish, 13 please? 14 All I can tell you is we -- 15 MR. LIMBACHER: You can 16 finish. 17 THE WITNESS: All I can tell 18 you is we wanted to ensure that 19 there was enough inventory at the 20 pharmacies for patients as a 21 transition through this period as 22 they worked with a healthcare 23 provider to go on a different 24 therapy.</p>	<p style="text-align: right;">Page 485</p> <p>1 record is not fuzzy. 2 As a factual matter, are you 3 aware that two weeks before you were 4 scheduled to withdraw Opana ER from the 5 market, you offered your wholesalers a 20 6 percent discount on Opana ER? Are you 7 aware of that? 8 A. Yes, I am. 9 MR. LIMBACHER: Object to 10 form. Foundation. 11 MR. BUCHANAN: Can I have, 12 please, 756? 13 MR. SIEGEL: Being marked as 14 Exhibit-27. 15 - - - 16 (Whereupon, EndoWalker 17 Exhibit-27, 18 ENDO_OPIOID_MDL_02290107-110, was 19 marked for identification.) 20 - - - 21 BY MR. BUCHANAN: 22 Q. I'm passing you, ma'am, 23 what's been marked as Exhibit-27 to your 24 deposition.</p>

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<p>1 It's an e-mail exchange 2 beginning August 17th, 2017, right? 3 A. Yes. 4 Q. It's going from a Mary Jo 5 Magrone to Sal Grausso. 6 He was your boss at that 7 point in time? 8 A. He was. 9 Q. Still is? 10 A. Yes. 11 Q. E-mail going to him and 12 others. It says, Dear branded pricing 13 committee. 14 Do you see that? 15 A. I do. 16 Q. Attached for your review is 17 an Opana ER wholesaler promotion to be 18 offered immediately upon BPC approval. 19 The offering includes a 20 percent 20 reduction from WAC -- what's that, ma'am? 21 A. WAC, wholesaler price, list 22 price. 23 Q. Wholesaler price? 24 A. List price.</p>	<p>1 A. Correct. 2 Q. You have that understanding, 3 ma'am, that the FDA had said the benefits 4 no longer outweigh the risks? Are you 5 aware of that? 6 MR. LIMBACHER: Object to 7 form. Asked and answered. 8 THE WITNESS: That's what 9 the FDA said. 10 BY MR. BUCHANAN: 11 Q. Issued a release in June of 12 2017 to that effect, correct? 13 MR. LIMBACHER: Object to 14 form. Asked and answered. 15 THE WITNESS: The FDA did, 16 yes. 17 BY MR. BUCHANAN: 18 Q. Had an advisory committee, 19 what, back in March of 2017, correct? 20 MR. LIMBACHER: Object to 21 form. Foundation. 22 THE WITNESS: I can't speak 23 to that advisory committee. I 24 don't know what that is.</p>
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<p>1 Q. -- to be extended to the 2 wholesaler segment as an off invoice 3 discount. 4 What's that mean? 5 A. They get 20 percent off the 6 list price. 7 Q. And it looks like Ms. 8 Magrone is looking for a prompt response 9 so that this can be approved by the 10 pricing committee and get out to the 11 wholesalers, right? 12 MR. LIMBACHER: Object to 13 form. 14 THE WITNESS: Yes. She sent 15 this to the pricing committee. 16 BY MR. BUCHANAN: 17 Q. Is your boss on the pricing 18 committee? 19 A. Sal Grausso is listed, yes. 20 Q. And we see on the next page, 21 Background market overview. On 9/1/17, 22 Endo will voluntarily withdraw Opana ER 23 from the market at the request of FDA. 24 Correct?</p>	<p>1 BY MR. BUCHANAN: 2 Q. So here we are two weeks 3 before the drug gets pulled, and the 4 background market overview reports to 5 your customer segment that you're going 6 to withdraw Opana ER at the request of 7 the FDA on September 1, 2017, right? 8 A. That's what it states, yes. 9 Q. Okay. And then your 10 specific request, in support of the 11 above, this proposal requests approval 12 for the following wholesaler offering. 13 And, again, this is a 14 request for pricing approval to the brand 15 committee, correct? 16 MR. LIMBACHER: Object to 17 form. 18 THE WITNESS: It is. 19 BY MR. BUCHANAN: 20 Q. Discount, 20 percent 21 discount from WAC given as an off invoice 22 discount, correct? 23 A. Uh-huh. 24 Q. Applied to all wholesalers,</p>

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<p style="text-align: right;">Page 490</p> <p>1 right?</p> <p>2 A. If they participated.</p> <p>3 Q. Okay. And you're offering a</p> <p>4 one-time buy, right?</p> <p>5 A. It's a one-time order. It's</p> <p>6 a transition order.</p> <p>7 Q. And did you get any</p> <p>8 excessive orders at the end of August</p> <p>9 2017 for Opana ER?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: I don't</p> <p>13 recall. I'm sure we did. It's</p> <p>14 probably in this listed.</p> <p>15 But, again --</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. You would agree, ma'am, that</p> <p>18 you didn't cease any orders, right?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: We did not,</p> <p>22 because this was a transition to</p> <p>23 ensure our patients were properly</p> <p>24 transitioned by their physician to</p>	<p style="text-align: right;">Page 492</p> <p>1 - - -</p> <p>2 (Whereupon, EndoWalker</p> <p>3 Exhibit-28,</p> <p>4 ENDO_DATA-OPIOID_MDL00000019, With</p> <p>5 Attachment, was marked for</p> <p>6 identification.)</p> <p>7 - - -</p> <p>8 BY MR. BUCHANAN:</p> <p>9 Q. I'm passing you next in</p> <p>10 order, ma'am.</p> <p>11 MR. SIEGEL: It's being</p> <p>12 marked as Exhibit-28.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. Exhibit-28.</p> <p>15 MR. LIMBACHER: Can we pull</p> <p>16 this up on the screen? This is</p> <p>17 produced natively, so let's go to</p> <p>18 the first page of the spreadsheet.</p> <p>19 Actually, let's go to the second</p> <p>20 page of the spreadsheet.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. Have you ever seen these</p> <p>23 reports before?</p> <p>24 A. No. I'm assuming this is</p>
<p style="text-align: right;">Page 491</p> <p>1 another therapy, because they</p> <p>2 could no longer take Opana.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. Was that \$100 million worth</p> <p>5 of Opana that you sold, "you" being Endo,</p> <p>6 after the FDA advisory committee in March</p> <p>7 of 2017?</p> <p>8 A. I don't--</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form and foundation.</p> <p>11 THE WITNESS: I have no</p> <p>12 idea. I can't confirm. I don't</p> <p>13 know what the sales were.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. It sounds like you had</p> <p>16 visibility, within your ordering system,</p> <p>17 to the net revenue on a particular sale,</p> <p>18 as well as the gross revenue, right?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: It's on the</p> <p>22 order. But sales, that's not my</p> <p>23 responsibility to know that.</p> <p>24 MR. BUCHANAN: 651.</p>	<p style="text-align: right;">Page 493</p> <p>1 out of SAP.</p> <p>2 Q. END contribution, MGN by</p> <p>3 MPH.</p> <p>4 Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. Excluding Interco.</p> <p>7 Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. The product hierarchy lists</p> <p>10 the product number and the product name.</p> <p>11 Do you see that?</p> <p>12 A. Uh-huh.</p> <p>13 Q. You see what sheet we're on,</p> <p>14 Opana ER.</p> <p>15 Is that the sheet you're on?</p> <p>16 A. It just says, Opana.</p> <p>17 Q. If you go to the second</p> <p>18 page.</p> <p>19 You manufactured multiple</p> <p>20 controlled substances, correct?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: We do.</p> <p>24 BY MR. BUCHANAN:</p>

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<p style="text-align: right;">Page 494</p> <p>1 Q. Okay. If we go to that page 2 that says Opana ER, you see revenue? Do 3 you see the top line, revenue? 4 A. Yes. 5 Q. And then there's Period 1, 6 2, 3, all the way up to 12, and then a 7 year to date at the end. 8 Do you see that, ma'am? 9 A. I do. 10 Q. Do you recognize period 1 as 11 the first month of the year and period 2 12 the second month? 13 A. Yes. 14 Q. You're familiar with reports 15 that look like this, right? 16 A. This is a financial report, 17 I don't -- this is not something I see or 18 generate. 19 Q. Okay. That FDA advisory 20 committee to consider Opana ER that was 21 in March; is that right? 22 A. I don't know. 23 Q. We see revenue of Opana ER 24 from March was about \$26 million, right?</p>	<p style="text-align: right;">Page 496</p> <p>1 BY MR. BUCHANAN: 2 Q. From July is \$12.2 million, 3 right? 4 A. Yes. 5 MR. LIMBACHER: Objection. 6 Form and foundation. 7 BY MR. BUCHANAN: 8 Q. Period 8, it looks like you 9 sold more in August than you did in July, 10 right? 11 MR. LIMBACHER: Objection. 12 Form and foundation. 13 THE WITNESS: That's what 14 this report states. 15 BY MR. BUCHANAN: 16 Q. As you're going out of 17 business with Opana ER? 18 A. I can't speak to this 19 report. I don't know what's generated 20 behind this report. This is a financial 21 report. I'm not in finance. I can't 22 speak to it. 23 Q. Okay. It's over \$100 24 million in sales between March and the</p>
<p style="text-align: right;">Page 495</p> <p>1 MR. LIMBACHER: Object to 2 form. Foundation. 3 THE WITNESS: It says \$26 4 million. 5 BY MR. BUCHANAN: 6 Q. From April was \$17.9 7 million, right? 8 MR. LIMBACHER: Same 9 objection. 10 THE WITNESS: That's what it 11 states. 12 BY MR. BUCHANAN: 13 Q. For May is \$22.8 million, 14 right? 15 MR. LIMBACHER: Form and 16 foundation. 17 THE WITNESS: That's what it 18 states. 19 BY MR. BUCHANAN: 20 Q. From June is \$21.8 million, 21 right? 22 MR. LIMBACHER: Form and 23 foundation. 24 THE WITNESS: Uh-huh.</p>	<p style="text-align: right;">Page 497</p> <p>1 time you withdrew it from the market. 2 Did you know that, ma'am? 3 A. No. 4 MR. LIMBACHER: Objection. 5 Form and foundation. 6 THE WITNESS: I did not. 7 Again, this is a financial 8 report, I'm not in finance. 9 BY MR. BUCHANAN: 10 Q. Did you know it was more 11 than \$50 million in sales -- or \$50 12 million in sales between June and August 13 before you took it off the market? 14 MR. LIMBACHER: Objection. 15 Form and foundation. 16 BY MR. BUCHANAN: 17 Q. When the FDA requested in 18 June that it be withdrawn? 19 A. I can't speak to the finance 20 of the company. I'm not in finance. 21 Q. I just wanted to -- while 22 we're on this sheet, you see there's a 23 line item on this sheet for chargebacks? 24 A. I do.</p>

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<p style="text-align: right;">Page 498</p> <p>1 Q. Do you see each period is</p> <p>2 reporting chargebacks?</p> <p>3 A. Yes.</p> <p>4 Q. And the sheet that we're</p> <p>5 looking at is for Opana ER, correct?</p> <p>6 A. Yes.</p> <p>7 Q. All right. Do you see for</p> <p>8 August, Period 8 -- actually, if you look</p> <p>9 about halfway down on the left, there is</p> <p>10 a line item for sales promotions.</p> <p>11 Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. What sales promotion amount</p> <p>14 was credited for January?</p> <p>15 A. Nothing.</p> <p>16 Q. What about was credited for</p> <p>17 February?</p> <p>18 MR. LIMBACHER: Objection.</p> <p>19 Form and foundation. Objection to</p> <p>20 all these questions with regard to</p> <p>21 a document that she's told you</p> <p>22 repeatedly she knows nothing</p> <p>23 about --</p> <p>24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 500</p> <p>1 Q. What amount was credited for</p> <p>2 May?</p> <p>3 MR. LIMBACHER: Same</p> <p>4 objection. Form and foundation.</p> <p>5 THE WITNESS: Zero.</p> <p>6 BY MR. BUCHANAN:</p> <p>7 Q. How about June?</p> <p>8 MR. LIMBACHER: Same</p> <p>9 objection. Form and foundation.</p> <p>10 THE WITNESS: Zero.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. July?</p> <p>13 MR. LIMBACHER: Same</p> <p>14 objection. Form and foundation.</p> <p>15 THE WITNESS: Zero.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. And when you were blowing it</p> <p>18 out in August, what amount was credited</p> <p>19 for sales promotions?</p> <p>20 MR. LIMBACHER: Same</p> <p>21 objection. Form and foundation.</p> <p>22 And argumentative.</p> <p>23 THE WITNESS: Blowing it out</p> <p>24 is not my word. We had to</p>
<p style="text-align: right;">Page 499</p> <p>1 Q. What amount --</p> <p>2 MR. LIMBACHER: -- and has</p> <p>3 never seen before.</p> <p>4 MR. BUCHANAN: Move to</p> <p>5 strike.</p> <p>6 MR. LIMBACHER: You're going</p> <p>7 to have an opportunity to ask</p> <p>8 these questions of people who</p> <p>9 might actually know something</p> <p>10 about it.</p> <p>11 BY MR. BUCHANAN:</p> <p>12 Q. What amount for sales</p> <p>13 promotions, ma'am, was credited for</p> <p>14 Period 3, March of 2017?</p> <p>15 MR. LIMBACHER: Same</p> <p>16 objection. Form and foundation.</p> <p>17 THE WITNESS: Zero.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. What amount was credited for</p> <p>20 April?</p> <p>21 MR. LIMBACHER: Same</p> <p>22 objection. Form and foundation.</p> <p>23 THE WITNESS: Zero.</p> <p>24 BY MR. BUCHANAN:</p>	<p style="text-align: right;">Page 501</p> <p>1 transition orders to our</p> <p>2 wholesalers to ensure our patients</p> <p>3 had enough inventory to get them</p> <p>4 through the transition period as</p> <p>5 they worked with their healthcare</p> <p>6 provider on a new therapy.</p> <p>7 BY MR. BUCHANAN:</p> <p>8 Q. What promotional amount did</p> <p>9 you book on this sheet -- or the company</p> <p>10 book on this sheet for promotional</p> <p>11 activity of Opana in the days leading up</p> <p>12 to its withdrawal from the market?</p> <p>13 MR. LIMBACHER: Objection.</p> <p>14 Form and foundation.</p> <p>15 THE WITNESS: I'm not --</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. Just read the number, ma'am.</p> <p>18 A. It's 20 percent. But that's</p> <p>19 not my decision. That's not my decision.</p> <p>20 MR. BUCHANAN: Let's take a</p> <p>21 short break.</p> <p>22 VIDEO TECHNICIAN: We're</p> <p>23 going off the record. The time is</p> <p>24 4:45.</p>

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<p>1 - - -</p> <p>2 (Whereupon, a brief recess</p> <p>3 was taken.)</p> <p>4 - - -</p> <p>5 VIDEO TECHNICIAN: Going</p> <p>6 back on the record. The beginning</p> <p>7 of Media File 9. The time is</p> <p>8 5:02.</p> <p>9 MR. BUCHANAN: Mrs. Walker,</p> <p>10 I have no further questions at</p> <p>11 this time, subject to the issues</p> <p>12 with the document that was</p> <p>13 withdrawn on the basis of</p> <p>14 privilege, and any further</p> <p>15 questions that I have in follow-up</p> <p>16 to the questions of any other</p> <p>17 counsel today.</p> <p>18 I'll pass the witness.</p> <p>19 MR. LENISKI: Thank you.</p> <p>20 - - -</p> <p>21 EXAMINATION</p> <p>22 - - -</p> <p>23 BY MR. LENISKI:</p> <p>24 Q. Good afternoon, Ms. Walker.</p>	<p>1 But we're appearing today in</p> <p>2 continuity of our respect for both</p> <p>3 the letter and the spirit of the</p> <p>4 state and federal cooperation</p> <p>5 protocol, without waiving these</p> <p>6 objections and the right to</p> <p>7 redepone Ms. Walker if necessary.</p> <p>8 MR. LIMBACHER: We</p> <p>9 understand your position.</p> <p>10 MR. LENISKI: Thank you.</p> <p>11 BY MR. LENISKI:</p> <p>12 Q. So, Ms. Walker, I'm Joe</p> <p>13 Leniski, as I stated, I'm from Tennessee.</p> <p>14 I represent a different group of</p> <p>15 plaintiffs than the folks who were asking</p> <p>16 questions this morning. And I don't have</p> <p>17 nearly as many questions.</p> <p>18 A. That's good, I guess.</p> <p>19 Q. So you can take that for</p> <p>20 what it's worth.</p> <p>21 First question is, do your</p> <p>22 job duties regarding distribution at Endo</p> <p>23 involve any Tennessee-specific</p> <p>24 responsibilities?</p>
Page 503	Page 505
<p>1 My name is Joe Leniski, and I represent</p> <p>2 clients who are proceeding in state court</p> <p>3 in Tennessee.</p> <p>4 So my questions today will</p> <p>5 be largely pertaining to the state of</p> <p>6 Tennessee.</p> <p>7 A. Okay.</p> <p>8 MR. LENISKI: Before we</p> <p>9 proceed, I just have to state on</p> <p>10 the record, we have a standing</p> <p>11 objection, and adopt for purposes</p> <p>12 of today, former objections we</p> <p>13 made in other depositions about</p> <p>14 the failure to produce documents</p> <p>15 timely and the failure to</p> <p>16 refute -- or the documents that</p> <p>17 refute their assertion that</p> <p>18 witness has any Tennessee-specific</p> <p>19 knowledge and because Tennessee</p> <p>20 rules of civil procedure don't</p> <p>21 place the same restrictions on the</p> <p>22 Tennessee state plaintiffs as they</p> <p>23 do the plaintiffs proceeding in</p> <p>24 the MDL.</p>	<p>1 A. I do not ship to any</p> <p>2 customers in the state of Tennessee, as</p> <p>3 far as the wholesalers are concerned.</p> <p>4 Q. So, to your knowledge, in</p> <p>5 your 20 years at Endo, you never shipped</p> <p>6 product to a wholesaler located in the</p> <p>7 state of Tennessee; is that your</p> <p>8 testimony?</p> <p>9 A. No. Let me -- let me back</p> <p>10 up.</p> <p>11 Our largest customer,</p> <p>12 McKesson's distribution center used to be</p> <p>13 in the state of Tennessee until they</p> <p>14 moved it to Mississippi. So I used to</p> <p>15 ship to McKesson in Tennessee.</p> <p>16 Q. Do you recall when that was?</p> <p>17 A. When they moved to</p> <p>18 Mississippi? No. Around '13, '14, '15.</p> <p>19 I don't know the exact date.</p> <p>20 Q. Do you remember anyone on</p> <p>21 your team that had any Tennessee-specific</p> <p>22 responsibilities?</p> <p>23 A. On my team? No.</p> <p>24 Q. Do you know whether</p>

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<p style="text-align: right;">Page 506</p> <p>1 Tennessee was a high-performing area as 2 far as Opana ER sales go? 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: I can't speak 6 to that. I don't know. 7 BY MR. LENISKI: 8 Q. Was the fact whether or not 9 Tennessee was a high-sales area for Opana 10 ER, was that relevant to your job duties? 11 A. I only ship to wholesalers. 12 So once McKesson moved out of the state 13 of Tennessee into Mississippi, I didn't 14 ship to any wholesalers within the state 15 of Tennessee. 16 Q. Which is not to say that you 17 weren't aware that Opana ER was being 18 prescribed and dispensed in the state of 19 Tennessee; is that your understanding? 20 A. I don't have any 21 prescription data or dispense data. That 22 wasn't part of my job responsibility. 23 That's another area within Endo. 24 Q. So during your 20 years, did</p>	<p style="text-align: right;">Page 508</p> <p>1 was a state with rampant opioid abuse, 2 was that a factor relevant to your job 3 duties in distribution at Endo? 4 MR. LIMBACHER: Object to 5 form. 6 THE WITNESS: No, that 7 information wasn't provided to me. 8 BY MR. LENISKI: 9 Q. Would you say that was 10 relevant to your job duties in Endo? 11 MR. LIMBACHER: Object to 12 form. 13 THE WITNESS: Prescription 14 data, again, is not part of my job 15 responsibility. It's -- you know, 16 I don't have that information. 17 BY MR. LENISKI: 18 Q. Okay. And did you have any 19 knowledge about problem prescribers -- or 20 prescribers that Endo identified as being 21 problem prescribers in Tennessee during 22 your tenure? 23 A. No. Again, the sales data 24 and prescribing data is not within my</p>
<p style="text-align: right;">Page 507</p> <p>1 you have any awareness whether Opana ER 2 was being dispensed in the state of 3 Tennessee? 4 A. No, I don't -- I can't 5 confirm that. 6 Q. At least what you're 7 testifying to today is that was not 8 relevant to your job duties; is that what 9 you're testifying to? 10 MR. LIMBACHER: Object to 11 form. 12 THE WITNESS: That's 13 correct. I only ship to 14 wholesalers. So prescribing 15 information is not part of my job 16 responsibility. 17 BY MR. LENISKI: 18 Q. Okay. So in your role in 19 distribution, neither you nor your team 20 tracked the number of Opana ER units 21 being distributed in the state of 22 Tennessee? 23 A. Not within my role, no. 24 Q. And whether or not Tennessee</p>	<p style="text-align: right;">Page 509</p> <p>1 area of responsibility. I don't have 2 that information. I don't have that 3 data. 4 MR. LENISKI: This is 5 Exhibit-5. Who else needs copies? 6 MR. LIMBACHER: Thank you. 7 - - - 8 (Whereupon, EndoWalker 9 Exhibit-29, 10 ENDO_OPIOID_MDL_01030692-698, was 11 marked for identification.) 12 - - - 13 BY MR. LENISKI: 14 Q. Ms. Walker, I've handed you 15 what we've identified as Exhibit-29 to 16 your deposition. 17 And my -- 18 A. Yes. 19 Q. -- my question is going to 20 be whether or not you recognize this 21 document? 22 A. This was an e-mail -- 23 Q. Okay. 24 A. -- sent to me.</p>

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<p style="text-align: right;">Page 510</p> <p>1 Q. So the first e-mail in the</p> <p>2 chain on the very first page is from you</p> <p>3 to Scott Littlefield, sent on March 28,</p> <p>4 2012, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And the subject is, Re,</p> <p>7 pharmacies for Dr. Mohammed; is that</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. Any reason to doubt you</p> <p>11 received this e-mail in the normal course</p> <p>12 of business during your time at Endo?</p> <p>13 A. No doubt.</p> <p>14 Q. So there's a chain of</p> <p>15 e-mails here. So if we go backwards in</p> <p>16 the document to the page that ends Bates</p> <p>17 stamp 698, you'll find the very first</p> <p>18 e-mail in the chain, or the earliest</p> <p>19 e-mail in the chain.</p> <p>20 Would you agree?</p> <p>21 A. 698, you said?</p> <p>22 Q. Yes. The very last page --</p> <p>23 A. Yes.</p> <p>24 Q. -- of the exhibit.</p>	<p style="text-align: right;">Page 512</p> <p>1 was very upset because his current</p> <p>2 patients on Opana ER could not fill their</p> <p>3 prescriptions for the last two weeks.</p> <p>4 Did I read that correctly?</p> <p>5 A. You did.</p> <p>6 Q. Was your practice to review</p> <p>7 your e-mail chains that were forwarded to</p> <p>8 your attention, even though you were not</p> <p>9 included as a recipient?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: I don't recall</p> <p>13 if I went all the way back to this</p> <p>14 beginning e-mail. I don't know.</p> <p>15 BY MR. LENISKI:</p> <p>16 Q. As you sit here today, you</p> <p>17 don't recall whether or not you read this</p> <p>18 e-mail?</p> <p>19 A. Right. I don't know.</p> <p>20 Q. In any event, in the e-mail,</p> <p>21 Ms. Stiles is making a reference to a Dr.</p> <p>22 Mohammed.</p> <p>23 Have you ever heard that</p> <p>24 name before?</p>
<p style="text-align: right;">Page 511</p> <p>1 And there's an e-mail here</p> <p>2 from Wendy Stiles to Autumn Jeter and</p> <p>3 Zachariah Ballionger, dated Friday, March</p> <p>4 9, 2012; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And the subject is,</p> <p>7 Pharmacies for Dr. Mohammed; is that</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. And in this e-mail, Ms.</p> <p>11 Stiles -- first of all, do you know who</p> <p>12 Wendy Stiles is?</p> <p>13 A. No, I don't.</p> <p>14 Q. What about Autumn Jeter?</p> <p>15 A. No.</p> <p>16 Q. Or Zachariah Ballionger?</p> <p>17 A. No.</p> <p>18 Q. In this e-mail, Ms. Stiles</p> <p>19 is writing to Autumn Jeter. She says,</p> <p>20 Autumn, Dr. Mohammed contacted Zach last</p> <p>21 week while we were at the national sales</p> <p>22 meeting. He stated he could not find</p> <p>23 Opana ER for his current patients at any</p> <p>24 pharmacy in Morristown, Tennessee, and</p>	<p style="text-align: right;">Page 513</p> <p>1 A. No, I have not.</p> <p>2 Q. At least not to your</p> <p>3 knowledge?</p> <p>4 A. No, I have not.</p> <p>5 Q. Ms. Stiles goes on, Dr.</p> <p>6 Mohammed is seeking assistance in getting</p> <p>7 some Opana ER to his top three, or at</p> <p>8 least top two pharmacies for the</p> <p>9 Morristown, Tennessee area.</p> <p>10 Did I read that correctly?</p> <p>11 A. You did.</p> <p>12 Q. And she goes on, Dr.</p> <p>13 Mohammed is our top writer for the area,</p> <p>14 and he stated he is having to switch</p> <p>15 patients to OxyContin and doesn't want to</p> <p>16 do that, because he will not switch them</p> <p>17 back.</p> <p>18 Did I read that correctly?</p> <p>19 A. You did.</p> <p>20 Q. Now, moving forward --</p> <p>21 A. Go ahead.</p> <p>22 Q. -- if you go to the next</p> <p>23 page of the exhibit, ending 697. At the</p> <p>24 very bottom, Ms. Jeter has responded.</p>

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<p style="text-align: right;">Page 514</p> <p>1 She's got an @Endo.com</p> <p>2 e-mail. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. That still doesn't refresh</p> <p>5 your recollection as to who she is?</p> <p>6 A. No.</p> <p>7 The fact that the other</p> <p>8 e-mail said something about the national</p> <p>9 sales meeting, I'm assuming these are</p> <p>10 sales reps.</p> <p>11 Q. Okay.</p> <p>12 A. Yes. But that's just an</p> <p>13 assumption.</p> <p>14 Q. That's fair. So at the end</p> <p>15 of the page, ending Bates stamp 697, Ms.</p> <p>16 Jeter, if you go over to the last page,</p> <p>17 her message is actually on the next page,</p> <p>18 she responds to Ms. Stiles and says, I</p> <p>19 have passed this along. We'll see what</p> <p>20 happens.</p> <p>21 Is that correct?</p> <p>22 A. Where is that?</p> <p>23 MR. LIMBACHER: At the top</p> <p>24 of the last page.</p>	<p style="text-align: right;">Page 516</p> <p>1 me know.</p> <p>2 Did I read that correctly?</p> <p>3 A. I'm sorry, I may be a</p> <p>4 page --</p> <p>5 Q. I'm on the page ending 697.</p> <p>6 MR. LIMBACHER: Middle of</p> <p>7 the page.</p> <p>8 THE WITNESS: I see it. I'm</p> <p>9 sorry, I was a page ahead.</p> <p>10 BY MR. LENISKI:</p> <p>11 Q. That's okay.</p> <p>12 So in the middle of the</p> <p>13 page, there's an e-mail from Wendy Stiles</p> <p>14 to Ashley Baker where she's forwarding</p> <p>15 the e-mails we read previously.</p> <p>16 Do you agree?</p> <p>17 A. Yes.</p> <p>18 Q. And she says, This is my top</p> <p>19 writer. He is having a hard time getting</p> <p>20 Opana for his current patients and now</p> <p>21 switching them over to other medications.</p> <p>22 Correct?</p> <p>23 A. Yes.</p> <p>24 Q. Immediately above that is an</p>
<p style="text-align: right;">Page 515</p> <p>1 BY MR. LENISKI:</p> <p>2 Q. Top of the last page, ending</p> <p>3 698.</p> <p>4 A. Yes, I see that. Yes.</p> <p>5 Q. On March 28, if you go back</p> <p>6 to the page ending 697, Ms. Stiles writes</p> <p>7 Ashley Baker.</p> <p>8 Do you know that name?</p> <p>9 A. Ashley Baker? Again, I am</p> <p>10 assuming these are all sales reps within</p> <p>11 Endo.</p> <p>12 Q. But you don't know who</p> <p>13 Ashley Baker is?</p> <p>14 A. No, I don't know who she is.</p> <p>15 Q. Ms. Stiles writes Ashley on</p> <p>16 March 28, 2012.</p> <p>17 She's forwarding the e-mails</p> <p>18 we just read below; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. She says, Ashley, this is my</p> <p>21 top writer. He is having a hard time</p> <p>22 getting Opana for his current patients</p> <p>23 and now switching them over to other</p> <p>24 medications. Need more information, let</p>	<p style="text-align: right;">Page 517</p> <p>1 e-mail from Greg, and I'm not sure I'm</p> <p>2 going to know how to pronounce that name.</p> <p>3 A. Yes. I don't --</p> <p>4 Q. How do you pronounce that</p> <p>5 name?</p> <p>6 A. I don't know. He doesn't</p> <p>7 work at Endo anymore.</p> <p>8 Q. It's spelled P-Y --</p> <p>9 A. Pyszcymuka, I don't know.</p> <p>10 Q. It's spelled</p> <p>11 P-Y-S-Z-C-Z-Y-M-U-K-A. Even as a person</p> <p>12 of Polish descent, that one stumps me.</p> <p>13 Do you know that name?</p> <p>14 A. Yes, I do know that name.</p> <p>15 Yes.</p> <p>16 Q. Who is Greg -- Gregory?</p> <p>17 A. When he worked at Endo, he</p> <p>18 was the product manager for Opana.</p> <p>19 Q. Okay. And in what capacity</p> <p>20 did you work with Greg?</p> <p>21 A. I didn't really work with</p> <p>22 him. I just knew that he was the product</p> <p>23 manager for Opana.</p> <p>24 Q. So you never worked together</p>

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<p style="text-align: right;">Page 518</p> <p>1 at all?</p> <p>2 A. No, not really.</p> <p>3 Q. What did you understand he</p> <p>4 did, other than being product manager?</p> <p>5 A. He was the -- did the</p> <p>6 marketing for Opana at the time.</p> <p>7 Q. Okay.</p> <p>8 A. I can't really speak to the</p> <p>9 details behind that.</p> <p>10 Q. Okay.</p> <p>11 A. I don't know if you want to</p> <p>12 go through this entire e-mail, but based</p> <p>13 on -- I mean, I kind of know what's going</p> <p>14 on, if you want me to explain what's</p> <p>15 going on, or we can go through the entire</p> <p>16 e-mail.</p> <p>17 Q. Give me a moment. I do have</p> <p>18 some specific questions about it.</p> <p>19 A. Sure. That's fine. I</p> <p>20 didn't know if you had that or not.</p> <p>21 Q. And that was one of my</p> <p>22 questions, was who this person is.</p> <p>23 So if you kind of move</p> <p>24 forward in the exhibit, you'll see</p>	<p style="text-align: right;">Page 520</p> <p>1 Q. Later that afternoon, Jason</p> <p>2 Jones forwards -- if you look at the</p> <p>3 e-mail immediately above on Page 694,</p> <p>4 Jason Jones sends this chain of e-mails</p> <p>5 to Scott Littlefield; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And Scott Littlefield, I</p> <p>8 think you testified this morning, you</p> <p>9 understood him to be a national account</p> <p>10 director at Endo, correct?</p> <p>11 A. He was, yes.</p> <p>12 Q. Okay. And if you go over to</p> <p>13 the very first page of the document.</p> <p>14 A. 692?</p> <p>15 Q. Correct.</p> <p>16 A. Yes.</p> <p>17 Q. You are copied for the first</p> <p>18 time in this chain, also on March 28th,</p> <p>19 it's an e-mail from Jason Jones to Scott</p> <p>20 Littlefield and yourself, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So you said you had</p> <p>23 understanding of this document?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 519</p> <p>1 there's a back-and-forth between Wendy</p> <p>2 and Gregory that goes on that same day,</p> <p>3 March 28th, 2012.</p> <p>4 Do you agree?</p> <p>5 A. Yes.</p> <p>6 Q. And if we flip over to the</p> <p>7 page ending 695 -- actually, sorry, 694,</p> <p>8 Gregory has now forwarded this chain to</p> <p>9 someone named Jason Jones.</p> <p>10 Do you know who that is?</p> <p>11 A. He used to work at Endo,</p> <p>12 yes.</p> <p>13 Q. And what was his job title?</p> <p>14 A. I don't remember what his</p> <p>15 job title was at the time.</p> <p>16 Q. Did you ever work with</p> <p>17 Jason?</p> <p>18 A. Yeah. He was -- I believe</p> <p>19 the national account executives reported</p> <p>20 up through him, or worked with him.</p> <p>21 Q. And so on March 28th,</p> <p>22 Gregory forwards the chain of e-mails to</p> <p>23 Jason Jones, correct?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 521</p> <p>1 Q. Is it correct that Dr. --</p> <p>2 someone named Dr. Mohammed in Tennessee</p> <p>3 has complained to an Endo sales rep that</p> <p>4 he can't -- his patients can't get Opana</p> <p>5 ER at their pharmacies in his hometown?</p> <p>6 A. Correct.</p> <p>7 Q. And there's a sequence of</p> <p>8 e-mails between Endo representatives</p> <p>9 where those Endo representatives are</p> <p>10 talking about potentially why wholesalers</p> <p>11 haven't gotten their product, their Opana</p> <p>12 ER, to those pharmacies; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And the wholesalers</p> <p>15 identified are AmerisourceBergen,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. McKesson?</p> <p>19 A. I thought I just saw</p> <p>20 AmerisourceBergen and Smith Drug.</p> <p>21 Is there McKesson in here,</p> <p>22 too?</p> <p>23 Q. Go ahead and take a look at</p> <p>24 the page ending 696.</p>

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<p style="text-align: right;">Page 522</p> <p>1 A. Oh, McKesson, I see McKesson 2 now, okay. 3 Q. So McKesson was one of the 4 wholesalers that served these pharmacies, 5 or one of these pharmacies; is that 6 correct? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: Based on this 10 e-mail, it says that their 11 supplier was McKesson. 12 BY MR. LENISKI: 13 Q. Okay. And then you see, I 14 think you already talked about it, Smith 15 Drugs, correct? 16 A. Yes. 17 Q. Were all three of those 18 wholesalers customers of Endo? 19 A. They were. 20 Q. Okay. 21 A. They still are. 22 Q. And according to the e-mail 23 chain, there were at least four 24 pharmacies identified in the Morristown,</p>	<p style="text-align: right;">Page 524</p> <p>1 Q. Now, did you know anything 2 about these four pharmacies? 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: No, not about 6 those four pharmacies, just based 7 on this e-mail. 8 But I can explain the issue 9 that's going on at this time, if 10 this is an appropriate time for me 11 to talk about it. Unless you have 12 more questions, so. 13 BY MR. LENISKI: 14 Q. I think it will be easier to 15 if I just prompt the questions. 16 A. That's fine. 17 Q. So at the time of this 18 e-mail chain, you didn't know anything 19 about these four pharmacies; is that your 20 testimony? 21 A. Right. 22 Q. Do you know whether these 23 four pharmacies were considered high 24 dispensers of Opana ER?</p>
<p style="text-align: right;">Page 523</p> <p>1 Tennessee area where Dr. Mohammed's 2 patients could not get their Opana ER; is 3 that right? 4 A. Four. I see four, yes. 5 Q. Okay. The first one, if you 6 look on the very last page of the 7 document, 698, we see Mike Pharmacy? 8 A. Uh-huh. 9 Q. And then Howard Pharmacy? 10 A. Uh-huh. 11 Q. And then Crescent Center 12 Drugs, correct? 13 A. Yes. 14 Q. And if you flip over to the 15 page ending 696, bottom of the e-mail 16 from -- in the middle of the page, Ms. 17 Stiles to Gregory says, Pharmacy Express 18 is another top pharmacy in the same area? 19 A. I see that. 20 Q. And they -- it's represented 21 from Ms. Stiles, they cannot order any of 22 the Opana ER strengths from their 23 wholesaler, Smith Drugs? 24 A. Yes, I see that.</p>	<p style="text-align: right;">Page 525</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: I don't know 4 that. 5 BY MR. LENISKI: 6 Q. Do you know whether these 7 four pharmacies were ever associated with 8 diversion or other suspicious activity? 9 A. I don't know that. 10 Q. Okay. So what's going on in 11 the e-mails is in order to get -- in 12 order to help Dr. Mohammed get Opana ER 13 to his patients, there's a discussion 14 among Endo representatives about getting 15 orders filled to the wholesalers who 16 serve those pharmacies; is that accurate? 17 MR. LIMBACHER: Object to 18 form. 19 THE WITNESS: Yes. 20 BY MR. LENISKI: 21 Q. Okay. And Ms. Stiles, just 22 to clarify what her role was, on Page 695 23 of the document, do you see in the e-mail 24 on March 28, 2012, at the bottom of the</p>

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<p style="text-align: right;">Page 526</p> <p>1 page, where she identifies her territory 2 as East Knoxville? 3 A. My territory is East 4 Knoxville, yes. 5 Q. She also mentions that four 6 of her pharmacies, in that same e-mail, 7 are in Sevierville or Pigeon Forge, 8 Tennessee; is that correct? 9 A. Yes. 10 Q. Now, does that also speak to 11 the fact that Ms. Stiles is probably a 12 sales rep with Endo Pharmaceuticals? 13 MR. LIMBACHER: Object to 14 form. 15 THE WITNESS: I would 16 assume, based on how the e-mails 17 are. 18 BY MR. LENISKI: 19 Q. You had general knowledge at 20 Endo that they had territories they were 21 assigned to -- 22 A. Correct, yes. 23 Q. Was it also your 24 understanding that they had particular</p>	<p style="text-align: right;">Page 528</p> <p>1 A. There was a manufacturing 2 issue at Novartis, who made it at the 3 time. 4 Q. When the products were 5 ultimately shipped to the wholesaler 6 serving these pharmacies, was there any 7 consideration given to the volume of 8 Opana ER being written by Dr. Mohammed? 9 A. No, we -- no, when I shipped 10 Opana during this time frame, during the 11 backorder, it was just ensuring all 12 wholesalers had inventory. 13 Q. Did you or anyone else at 14 your team at Endo follow-up with Ms. 15 Stiles to ask any questions about Dr. 16 Mohammed's prescribing practices before 17 filling this shipment to wholesalers? 18 MR. LIMBACHER: Object to 19 form. 20 THE WITNESS: Not that I 21 recall, no. 22 BY MR. LENISKI: 23 Q. Similar to your testimony 24 this morning, to your knowledge, the</p>
<p style="text-align: right;">Page 527</p> <p>1 physicians or healthcare providers they 2 were assigned to within those 3 territories? 4 A. I mean, I don't know exactly 5 what the sales reps were assigned to, but 6 I know that they had territories. 7 Q. Okay. Did you or your team 8 perform any vetting of these four 9 pharmacies identified in this e-mail for 10 any misuse or diversion prior to shipping 11 the products to their wholesalers? 12 A. No. Because, like I said, 13 I'm not sure if this is the appropriate 14 time, but during this whole time frame, 15 Endo had a supply issue with Opana, which 16 is the reason why these pharmacies could 17 not obtain product. 18 It didn't have anything to 19 do with diversion. It was because Endo 20 was on backorder for so long, and we were 21 in and out of backorder for months at a 22 time. 23 Q. And what was the cause of 24 the backorder?</p>	<p style="text-align: right;">Page 529</p> <p>1 orders that were referred to in this 2 exhibit that went to the wholesalers 3 serving these pharmacies, those were all 4 cleared by Endo and UPS and shipped to 5 the wholesalers; is that correct? 6 A. Yes. 7 But if I could just 8 elaborate on that a little bit. During a 9 backorder situation, lots of times the 10 SOM, your averages kind of get out of 11 whack, because you're not shipping for 12 multiple periods of time and then you 13 start shipping again and then you stop 14 shipping. So your averages kind of get a 15 little wacko. 16 Q. But at the end of the day, 17 none of these orders were held? 18 A. No, they were not. They 19 cleared both programs. 20 Q. Dr. Mohammed was identified 21 in these e-mails, at various times, as 22 the top writer for that area. 23 Did you read that? 24 A. Yes. When you pointed it</p>

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<p style="text-align: right;">Page 530</p> <p>1 out, yes.</p> <p>2 Q. Now, you understand -- did</p> <p>3 you understand that to mean that Dr.</p> <p>4 Mohammed was identified as Endo's highest</p> <p>5 prescriber for Opana ER in that area?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. LENISKI:</p> <p>10 Q. Had you ever heard the term</p> <p>11 "top writer" used by others at Endo to</p> <p>12 describe high-volume prescribers?</p> <p>13 A. I mean, I've heard that</p> <p>14 terminology.</p> <p>15 Q. At Endo?</p> <p>16 A. Yes.</p> <p>17 Q. You've used it? Have you</p> <p>18 heard others at Endo use it to identify</p> <p>19 high-volume prescribers?</p> <p>20 A. I've heard that terminology,</p> <p>21 yes.</p> <p>22 Q. Have you ever referred to</p> <p>23 any doctor as a high -- I'm sorry, a top</p> <p>24 writer?</p>	<p style="text-align: right;">Page 532</p> <p>1 with Endo when they reached out with</p> <p>2 requests?</p> <p>3 MR. LIMBACHER: Object to</p> <p>4 form.</p> <p>5 THE WITNESS: Again, I can't</p> <p>6 speak to that. I'm not part of</p> <p>7 the sales team.</p> <p>8 BY MR. LENISKI:</p> <p>9 Q. Did reading, in these</p> <p>10 e-mails, that Endo's sales rep, who is</p> <p>11 elevating her request to get Opana to</p> <p>12 these pharmacies in Tennessee, that she</p> <p>13 considered Dr. Mohammed her top writer,</p> <p>14 did that have influence on your decision</p> <p>15 to ship the product?</p> <p>16 A. No. Again, during this time</p> <p>17 frame, we were in a huge backorder</p> <p>18 situation for Opana across all strengths.</p> <p>19 So I was shipping product to all the</p> <p>20 wholesalers to ensure all wholesalers had</p> <p>21 inventory for all patients.</p> <p>22 Because -- also, if you look</p> <p>23 on, I think, Page 693, I mean, it states</p> <p>24 what -- Smith Drug's order and what I</p>
<p style="text-align: right;">Page 531</p> <p>1 A. No, because my customer is</p> <p>2 the wholesaler, not the doctor.</p> <p>3 Q. Can you recall hearing or</p> <p>4 learning about other prescribers in</p> <p>5 Tennessee being described by Endo as a</p> <p>6 top writer?</p> <p>7 A. No.</p> <p>8 Q. To your knowledge, were top</p> <p>9 writers important to Endo?</p> <p>10 A. That's all part of the sales</p> <p>11 team. I can't -- I can't speak to that.</p> <p>12 That's not my area of responsibility.</p> <p>13 Q. So sitting here today,</p> <p>14 you're not prepared to testify whether or</p> <p>15 not that was something -- top writers</p> <p>16 were important to Endo?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 THE WITNESS: I can't -- I</p> <p>20 can't speak to that. I'm not on</p> <p>21 the sales team.</p> <p>22 BY MR. LENISKI:</p> <p>23 Q. Was it the case that top</p> <p>24 writers were given particular attention</p>	<p style="text-align: right;">Page 533</p> <p>1 allocated to them because of our</p> <p>2 backorder situation and our supply issue.</p> <p>3 Q. Were Dr. Mohammed's</p> <p>4 prescribing habits relative to your</p> <p>5 decision to ship the orders referred to</p> <p>6 in this e-mail?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MR. LENISKI:</p> <p>11 Q. Did Endo put any special</p> <p>12 monitoring in place to track prescribing</p> <p>13 habits of what it called top writers?</p> <p>14 A. I can't speak to that.</p> <p>15 That's not part of my responsibility.</p> <p>16 That's within the sales department. I</p> <p>17 can't speak to that.</p> <p>18 Q. And I may have asked this</p> <p>19 question, I forget.</p> <p>20 Did you ever hear Dr.</p> <p>21 Mohammed's name before this sequence of</p> <p>22 e-mails?</p> <p>23 A. No.</p> <p>24 Q. So as you sit here today,</p>

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<p style="text-align: right;">Page 534</p> <p>1 then, you're not aware of any order 2 associated with Dr. Mohammed being 3 identified by Endo as suspicious? 4 A. No. Like I said, I can't -- 5 I can't speak to the doctors. 6 Q. Okay. But it's also 7 correct, my understanding, that Endo has 8 never identified any order associated 9 with any prescriber in Tennessee as 10 suspicious, correct? 11 MR. LIMBACHER: Object to 12 form. 13 THE WITNESS: Again, I can't 14 speak to the doctors in Tennessee. 15 That's not part of my area of 16 responsibility. 17 BY MR. LENISKI: 18 Q. But your testimony, just so 19 we're clear, this morning was no order 20 was ever deemed suspicious and held by 21 Endo or UPS; is that correct? 22 A. To the wholesalers. 23 MR. LIMBACHER: Object to 24 form.</p>	<p style="text-align: right;">Page 536</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: I'm not 4 provided that information. That's 5 part of our sales team. That 6 information doesn't get to me. I 7 ship to wholesalers. 8 BY MR. LENISKI: 9 Q. If you had been told that 10 Dr. Mohammed was flagged for being under 11 investigation by state and/or federal 12 authorities for prescribing practices at 13 this time, would that have been 14 information factoring into your decision 15 to ship the product? 16 MR. LIMBACHER: Object to 17 form. 18 THE WITNESS: No. Because 19 my shipments is to wholesalers. I 20 can't factor in the doctor's 21 prescribing habits. 22 BY MR. LENISKI: 23 Q. And that's true even if you 24 know that the wholesalers are shipping</p>
<p style="text-align: right;">Page 535</p> <p>1 BY MR. LENISKI: 2 Q. To the wholesalers? 3 A. To the wholesalers, correct. 4 Q. So any -- there's been no 5 order, to your knowledge, that was 6 specific, or where wholesalers were -- 7 you knew their product was being 8 dispensed in the state of Tennessee that 9 was ever held or restricted from going 10 out on that basis? 11 MR. LIMBACHER: Object to 12 form. 13 THE WITNESS: No order. 14 They were released through Endo's 15 SOM program and UPS's SOM program. 16 BY MR. LENISKI: 17 Q. If Dr. Mohammed, at this 18 time of these e-mails, had been flagged 19 for investigation by either state 20 officials in Tennessee or by federal 21 authorities for his prescribing 22 practices, would that information have 23 factored into your decision to ship the 24 product?</p>	<p style="text-align: right;">Page 537</p> <p>1 their product or distributing their 2 product to pharmacies specifically 3 identified by Dr. Mohammed as being used 4 by his patients? 5 MR. LIMBACHER: Object to 6 form. 7 THE WITNESS: Clarify that, 8 please. I'm not quite sure I 9 understand what you're asking. 10 BY MR. LENISKI: 11 Q. You said -- your testimony a 12 moment ago was, my shipments are to 13 wholesalers. I can't factor in the 14 doctor's prescribing habits. 15 A. Correct. I can't. 16 Q. And I said, and that's true 17 even if you know the wholesalers are 18 distributing their product to pharmacies 19 specifically identified to Endo by Dr. 20 Mohammed as being used by his patients? 21 A. I have the right information 22 to do my job. I can't speak to any -- 23 anything related to the healthcare 24 providers.</p>

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<p style="text-align: right;">Page 538</p> <p>1 Q. On 698 of this document, the</p> <p>2 one ending 698, at the bottom of the</p> <p>3 page, the very first e-mail in the chain</p> <p>4 ends with the statement, Dr. Mohammed has</p> <p>5 signed up to receive Opana ER updates,</p> <p>6 and Zach and I are in the office weekly.</p> <p>7 Did I read that correctly?</p> <p>8 A. You did.</p> <p>9 Q. Do you know what -- are you</p> <p>10 aware of the -- what is being discussed</p> <p>11 here about Dr. Mohammed being able to</p> <p>12 sign up to receive Opana ER updates?</p> <p>13 A. No, I do not. I don't.</p> <p>14 Q. You had no association with</p> <p>15 that system?</p> <p>16 A. No, I -- no.</p> <p>17 Q. You don't know if anyone</p> <p>18 could sign up for such a system?</p> <p>19 A. No, I don't have anything to</p> <p>20 do with sales or doctors.</p> <p>21 Q. Okay.</p> <p>22 A. It's not part of my job</p> <p>23 responsibilities.</p> <p>24 Q. I'm done with that document.</p>	<p style="text-align: right;">Page 540</p> <p>1 boss at that time?</p> <p>2 A. Jill Connell.</p> <p>3 Q. And was she always a member</p> <p>4 of the risk management team, to your</p> <p>5 knowledge?</p> <p>6 A. To my knowledge, yes.</p> <p>7 Q. And when she ceased being</p> <p>8 your boss -- when did you say that was?</p> <p>9 A. June of '13.</p> <p>10 Q. -- in June 2013, was your</p> <p>11 new boss a member of that risk management</p> <p>12 team?</p> <p>13 A. I don't believe so. I</p> <p>14 don't -- I know that team was still part</p> <p>15 of Endo, but I think it may have changed</p> <p>16 over the years of who was part of that</p> <p>17 committee. But I really can't speak to</p> <p>18 that or confirm any of that.</p> <p>19 Q. And do you recall ever</p> <p>20 attending a risk management team meeting?</p> <p>21 A. No, not that I recall. I</p> <p>22 may have. I don't recall.</p> <p>23 - - -</p> <p>24 (Whereupon, EndoWalker</p>
<p style="text-align: right;">Page 539</p> <p>1 Do you know who the risk</p> <p>2 management team at Endo was?</p> <p>3 A. I know that there was a</p> <p>4 cross-functional risk management team,</p> <p>5 yes.</p> <p>6 Q. Do you recall ever being a</p> <p>7 member of that team?</p> <p>8 A. No, I was not.</p> <p>9 Q. Do you recall being copied</p> <p>10 on e-mails where the minutes of such</p> <p>11 meetings were sent to you?</p> <p>12 A. I don't recall off the top</p> <p>13 of my head, no.</p> <p>14 Q. Do you know why such minutes</p> <p>15 of those risk management team meetings</p> <p>16 would have been sent to you for your</p> <p>17 review?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form.</p> <p>20 THE WITNESS: I believe my</p> <p>21 boss at the time was part of that</p> <p>22 team. I was not.</p> <p>23 BY MR. LENISKI:</p> <p>24 Q. I'm sorry. And who was your</p>	<p style="text-align: right;">Page 541</p> <p>1 Exhibit-30,</p> <p>2 ENDO_OPIOID_MDL_01033927-929, was</p> <p>3 marked for identification.)</p> <p>4 - - -</p> <p>5 BY MR. LENISKI:</p> <p>6 Q. Ms. Walker, I've handed you</p> <p>7 a document we've identified as Walker</p> <p>8 Exhibit-30 to your deposition.</p> <p>9 A. Uh-huh.</p> <p>10 Q. It's a chain of e-mails,</p> <p>11 first e-mail on the first page is from</p> <p>12 you to a number of individuals with</p> <p>13 @UPS.com e-mail addresses dated November</p> <p>14 29th, 2012.</p> <p>15 When you've had a chance to</p> <p>16 review, my question is going to be if you</p> <p>17 recognize this document.</p> <p>18 A. Are you talking about the</p> <p>19 e-mail that Peter Jennings sent to me?</p> <p>20 Q. I'm talking about the entire</p> <p>21 exhibit.</p> <p>22 Do you recognize the</p> <p>23 document?</p> <p>24 A. Yeah, I mean, it's an e-mail</p>

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<p style="text-align: right;">Page 542</p> <p>1 between me and my UPS customer service 2 team. 3 Q. Do you have any reason to 4 doubt that you received this e-mail in 5 the normal course of business on or about 6 the date of November 29th, 2012? 7 A. I'm sure I did. 8 Q. Okay. Again, we have an 9 e-mail chain, which starts, if you flip 10 over the page at the bottom, 928. 11 There's an e-mail from 12 PBJ -- I'm sorry, PBJennings@UPS.com? 13 A. Yes. 14 Q. And that's Peter Jennings, 15 correct? 16 A. It is. 17 Q. And according to the e-mail, 18 his title was customer service 19 supervisor? 20 A. He was, yes, at UPS. 21 Correct. 22 Q. And he's e-mailing you 23 asking, Lisa, do you have more details 24 about what's going on with C-II products</p>	<p style="text-align: right;">Page 544</p> <p>1 Q. And then if you go to the 2 very next e-mail up at the top -- I'm 3 sorry, just up at the top of the previous 4 e-mail, he explains, We're getting calls 5 in the last week or two. It sounds kind 6 of strange, but I think there is a 7 legitimate, full-fledged effort to 8 restrict C-IIs in the entire state of 9 Florida. Sounds uncanny, but it's what 10 we're hearing. 11 Did I read that correctly? 12 A. You did. 13 Q. He even makes reference to 14 getting a call last week from a patient 15 about this issue; is that correct? 16 A. That's what it states, yes. 17 Q. And if you go up the e-mail 18 chain, after someone with the name it 19 looks like L-C-I-C-H-O-C-K-I? 20 A. Linda Cichocki, yes. 21 Q. What was what was her role 22 at UPS? 23 A. She was a customer service 24 rep supporting Endo at UPS.</p>
<p style="text-align: right;">Page 543</p> <p>1 in Florida (the statewide restriction on 2 these products)? 3 Did I read that correctly? 4 A. Yes. 5 Q. And what did he mean by -- 6 do you know what he meant by C-II 7 products? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: C-II products, 11 yes, the controlled substance, 12 C-IIs. Opioids, yes. 13 BY MR. LENISKI: 14 Q. Schedule II controlled 15 products? 16 A. Schedule IIs, yes. 17 Q. That's correct? 18 A. That's correct. 19 Q. Flip over to page 928. You 20 respond to Mr. Jennings on November 29th, 21 2012. 22 You say, I have no idea what 23 this is about. Where did you hear this? 24 A. Right.</p>	<p style="text-align: right;">Page 545</p> <p>1 Q. She was on -- was she part 2 of the same team that Peter was? 3 A. Yes. 4 Q. So she writes, later on, on 5 November 29th and says, Pete, I just had 6 a call from a wheelchair-bound patient 7 who used our Opana locator service to 8 find her medication each month and this 9 month, just now when she called, she was 10 told the locator service is no longer 11 servicing the state of Michigan. When I 12 asked -- when I called the Opana locator 13 service to ask about Florida, they stated 14 they can no -- they cannot tell me which 15 states they service or not, only do 16 searches by zip code. 17 Did I read that correctly? 18 A. Yes. 19 Q. Did you have an 20 understanding of what the Opana locator 21 service was at this time? 22 A. When we had the supply issue 23 that I talked about earlier, Endo set up 24 a pharmacy locator so patients could find</p>

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<p style="text-align: right;">Page 546</p> <p>1 which pharmacies had Opana during our 2 supply issues. That's what that was set 3 up for. 4 Q. Where was that set up? Was 5 it through a website? 6 A. I don't know. That wasn't 7 my responsibility. That was done by the 8 marketing team. I don't know where -- I 9 don't know what program or anything that 10 they used. 11 Q. And was it intended to be 12 used by patients to be able to find Opana 13 to fill their prescriptions for Opana ER? 14 A. During our supply disruption 15 only, yes. 16 Q. How long did the Opana 17 locater service operate, to your 18 knowledge? 19 A. All I can tell you is we had 20 our supply issue with Opana starting 21 December of '11 and went through mid 22 2012, third quarter of 2012. 23 Q. This e-mail looks like it's 24 in November of 2012. So the supply</p>	<p style="text-align: right;">Page 548</p> <p>1 A. Which tells me that our 2 supply issue was over at this point. 3 Q. And you said, The Opana 4 locater service was really needed during 5 our shortage, correct? 6 A. That's correct. 7 Q. And you also go on, She 8 should be able -- I'm sorry, We should be 9 able to tell this patient she can call 10 any of her local pharmacies and with a 11 prescription, she should be able to have 12 it filled without any issues. 13 Correct? 14 A. Right. Based on the fact 15 that our wholesalers had inventory at 16 this time. 17 Q. And, again, reading this 18 e-mail, it doesn't tell you or refresh 19 your recollection about how long the 20 Opana locater service was in effect? 21 A. Right. Based on reading the 22 e-mail and what I remember, I think it 23 was only during our shortage. 24 Q. So the very next e-mail up</p>
<p style="text-align: right;">Page 547</p> <p>1 issues you're referring to have ended by 2 now; is that your testimony? 3 A. That's what I recall, yes. 4 Q. So there was something else 5 going on in the state of Florida that's 6 causing the issues in the e-mails, 7 correct? 8 A. That's what -- 9 MR. LIMBACHER: Object to 10 form. 11 THE WITNESS: That's what I 12 would believe, based on the 13 e-mails. 14 BY MR. LENISKI: 15 Q. In fact, if we look at the 16 e-mail just immediately preceding -- or 17 following the e-mail we just read, if you 18 look at the Page 927, at the bottom 19 there's an e-mail from you to Linda, 20 Peter and others -- 21 A. The team, yes. 22 Q. -- responding to Linda. And 23 you say, There is plenty of Opana out in 24 the market.</p>	<p style="text-align: right;">Page 549</p> <p>1 on this exhibit, the same page, 927, 2 Peter Jennings responds to your e-mail 3 about their being plenty of Opana in the 4 market. 5 And he says, Hi All. I was 6 down in Joanie's office a bit ago, and we 7 talked to regulatory directly. And they 8 are not aware of any issue affecting 9 Florida, not as a state. 10 Correct? 11 A. Right. To confirm, when 12 he's saying "regulatory," that's UPS's 13 regulatory group. 14 Q. Fair enough. 15 He goes on, There could be, 16 quote, pockets of pharmacies that might 17 be having DEA issues, but doesn't appear 18 to be a state thing. 19 Did I read that correctly? 20 A. Yes. 21 Q. Now he asks you, Lisa, 22 underline, regulatory is still looking 23 into it but was curious if anything pops 24 up information-wise on your end.</p>

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<p style="text-align: right;">Page 550</p> <p>1 Did I read that correctly?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Okay. And let's skip up to</p> <p>4 the very top of the page, where you</p> <p>5 appear to be responding to the team,</p> <p>6 including Linda and Peter, on --</p> <p>7 A. Yes.</p> <p>8 Q. -- November 29th.</p> <p>9 You say, I know that</p> <p>10 Cardinal has really increased their SOM</p> <p>11 program, so I'm wondering if they are</p> <p>12 cutting them off because they are</p> <p>13 ordering too much.</p> <p>14 A. Right.</p> <p>15 Q. Did I read that correctly?</p> <p>16 A. You did.</p> <p>17 Q. Now, on what were you basing</p> <p>18 that observation?</p> <p>19 A. Again, it's just --</p> <p>20 MR. LIMBACHER: Object to</p> <p>21 form.</p> <p>22 THE WITNESS: -- like I</p> <p>23 stated, that's just my opinion. I</p> <p>24 guess, if I recall, just</p>	<p style="text-align: right;">Page 552</p> <p>1 programs or making enhancements</p> <p>2 and making changes.</p> <p>3 BY MR. LENISKI:</p> <p>4 Q. Were you aware of other</p> <p>5 wholesalers who were increasing their SOM</p> <p>6 program at the same time, late 2012?</p> <p>7 A. No. All I know is our</p> <p>8 wholesalers have an SOM program. I don't</p> <p>9 know the details behind the programs.</p> <p>10 Q. Why did Peter believe you</p> <p>11 might have information about this issue</p> <p>12 that's affecting Florida and pharmacies</p> <p>13 not being able to get Opana ER?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form.</p> <p>16 BY MR. LENISKI:</p> <p>17 Q. Do you have any idea?</p> <p>18 A. Because UPS is our 3PL,</p> <p>19 third-party logistics company, and we</p> <p>20 partner with them on anything to do with</p> <p>21 Endo's business. So it's not unusual for</p> <p>22 him to reach out.</p> <p>23 Q. Did you represent to Peter</p> <p>24 that you had understanding about your</p>
<p style="text-align: right;">Page 551</p> <p>1 conversations maybe with Cardinal</p> <p>2 back at that time. I don't really</p> <p>3 remember.</p> <p>4 BY MR. LENISKI:</p> <p>5 Q. Well, you make the</p> <p>6 statement, it's affirmative, Cardinal has</p> <p>7 really increased their SOM program,</p> <p>8 right?</p> <p>9 A. I state that, yes. That's</p> <p>10 what it says.</p> <p>11 Q. Do you know -- you remember</p> <p>12 having discussions with Cardinal on that</p> <p>13 point?</p> <p>14 A. I don't remember having</p> <p>15 discussions with Cardinal directly. It's</p> <p>16 back in 2012. I don't remember.</p> <p>17 Q. Do you recall whether -- or</p> <p>18 why Cardinal had increased their SOM</p> <p>19 program at this time of November 2012?</p> <p>20 MR. TULLY: Object to the</p> <p>21 form.</p> <p>22 THE WITNESS: Probably</p> <p>23 because of the opioid crisis,</p> <p>24 everybody was redoing their SOM</p>	<p style="text-align: right;">Page 553</p> <p>1 wholesalers' SOM programs in addition to</p> <p>2 Endo's SOM program?</p> <p>3 A. I don't recall. I mean,</p> <p>4 just based on what my e-mail says, yes.</p> <p>5 Q. Was that something you</p> <p>6 tracked, was what your wholesalers were</p> <p>7 doing with their SOM programs?</p> <p>8 A. No. We just know that our</p> <p>9 wholesalers have SOM programs. I don't</p> <p>10 know the details behind the SOM programs</p> <p>11 at our wholesalers.</p> <p>12 Q. And then you go on to say,</p> <p>13 in the same e-mail, All we can state is</p> <p>14 that we have plenty of inventory and it's</p> <p>15 not on backorder and our wholesalers have</p> <p>16 it in stock.</p> <p>17 Correct?</p> <p>18 A. That's correct. At this</p> <p>19 time, obviously, we were off our supply</p> <p>20 issue and our wholesalers have inventory.</p> <p>21 If the patients can't get it, that's not</p> <p>22 my -- all we can tell them is that it's</p> <p>23 not on backorder.</p> <p>24 Q. Other than individuals in</p>

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<p style="text-align: right;">Page 554</p> <p>1 this e-mail, did you discuss your</p> <p>2 statement here that Cardinal may have</p> <p>3 stopped shipping to Florida pharmacies</p> <p>4 due to concerns about over-ordering with</p> <p>5 anyone else at Endo?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Never elevated that</p> <p>8 observation to anyone else, to your</p> <p>9 knowledge?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Do you believe you're</p> <p>12 obligated to do that?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 THE WITNESS: No.</p> <p>16 MR. LENISKI: Ms. Walker,</p> <p>17 pending any questions from</p> <p>18 counsel, I think I'm finished.</p> <p>19 Thank you very much.</p> <p>20 MR. LIMBACHER: Thank you.</p> <p>21 VIDEO TECHNICIAN: Going off</p> <p>22 record. The time is 5:42.</p> <p>23 - - -</p> <p>24 (Whereupon, a brief recess</p>	<p style="text-align: right;">Page 556</p> <p>1 working for Endo?</p> <p>2 A. November 2nd, 1998.</p> <p>3 Q. And can you tell us your</p> <p>4 current job title?</p> <p>5 A. I'm the director of</p> <p>6 distribution and customer service for</p> <p>7 Endo.</p> <p>8 Q. And before we get into your</p> <p>9 job responsibilities and your history,</p> <p>10 can you tell us, did you go to college?</p> <p>11 A. I did.</p> <p>12 Q. And where did you go?</p> <p>13 A. Wilmington College.</p> <p>14 Q. And when did you graduate?</p> <p>15 A. May of 1995.</p> <p>16 Q. What degree did you receive?</p> <p>17 A. Bachelor's in business</p> <p>18 management.</p> <p>19 Q. And kind of walk us through,</p> <p>20 very briefly, your work history after you</p> <p>21 received your degree from Wilmington</p> <p>22 College.</p> <p>23 Where did you first work?</p> <p>24 A. I actually started working</p>
<p style="text-align: right;">Page 555</p> <p>1 was taken.)</p> <p>2 - - -</p> <p>3 VIDEO TECHNICIAN: We're</p> <p>4 going back on the record. The</p> <p>5 beginning of Media File Number 10.</p> <p>6 The time is 5:46.</p> <p>7 - - -</p> <p>8 EXAMINATION</p> <p>9 - - -</p> <p>10 BY MR. LIMBACHER:</p> <p>11 Q. Good evening, Mrs. Walker.</p> <p>12 I know it's been a very long day, and I'm</p> <p>13 sure you're very tired and are looking</p> <p>14 forward to getting home. But this is my</p> <p>15 opportunity to ask you a few questions</p> <p>16 and to kind of present you to the jury so</p> <p>17 they have an opportunity to get to know</p> <p>18 you just a little bit.</p> <p>19 Can you tell us, and I know</p> <p>20 some of these things we've covered</p> <p>21 earlier, can you tell us, are you</p> <p>22 currently employed at Endo?</p> <p>23 A. Yes, I am.</p> <p>24 Q. And when did you begin</p>	<p style="text-align: right;">Page 557</p> <p>1 at DuPont in October of '89. So I got my</p> <p>2 degree at night going to Wilmington</p> <p>3 College.</p> <p>4 Q. And when you first started</p> <p>5 working at DuPont, what did you do?</p> <p>6 A. I delivered mail. I pushed</p> <p>7 a mail cart and delivered mail.</p> <p>8 Q. And about how long were you</p> <p>9 doing that at DuPont?</p> <p>10 A. Probably about two years,</p> <p>11 two and-a-half, give or take.</p> <p>12 Q. And then at some point in</p> <p>13 time, did you start to work in the</p> <p>14 customer service department at DuPont?</p> <p>15 A. Yes. Then I moved over to</p> <p>16 the customer service department. It was</p> <p>17 DuPont Merck at the time.</p> <p>18 Q. And when did you join Endo?</p> <p>19 I think you said 1998; is that right?</p> <p>20 A. Yes. November of '98.</p> <p>21 Q. And in what department were</p> <p>22 you first employed at Endo?</p> <p>23 A. I was -- I've always been in</p> <p>24 the customer service and distribution</p>

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<p style="text-align: right;">Page 558</p> <p>1 department at Endo.</p> <p>2 Q. And have you received any</p> <p>3 promotions over the 20 years that you've</p> <p>4 been working for Endo?</p> <p>5 A. Yes, a few.</p> <p>6 Q. And tell us, what are the</p> <p>7 different roles and job titles that</p> <p>8 you've held at Endo?</p> <p>9 A. I came in as a contract</p> <p>10 analyst. Then I was promoted to</p> <p>11 supervisor of distribution, manager of --</p> <p>12 I forget the exact title. Manager within</p> <p>13 customer service, then associate director</p> <p>14 and then director.</p> <p>15 Q. And when did you become</p> <p>16 associate director of customer service at</p> <p>17 Endo, if you remember?</p> <p>18 A. 2003, 2004, something like</p> <p>19 that.</p> <p>20 Q. And when did you become the</p> <p>21 director of customer service?</p> <p>22 A. 2015.</p> <p>23 Q. And what have been your</p> <p>24 basic job responsibilities over time, as</p>	<p style="text-align: right;">Page 560</p> <p>1 A. As it relates to opioids,</p> <p>2 the customers are our wholesalers.</p> <p>3 Q. And are there any</p> <p>4 particularly large wholesaler customers</p> <p>5 that Endo sells its branded opioids to?</p> <p>6 A. We have three large</p> <p>7 wholesale customers; AmerisourceBergen,</p> <p>8 Cardinal and McKesson.</p> <p>9 Q. And are the majority of the</p> <p>10 sales of branded opioids, as you</p> <p>11 understand it for Endo, sold to those</p> <p>12 three large national wholesalers?</p> <p>13 A. Yes. I believe they make up</p> <p>14 about 90 percent of the business.</p> <p>15 Q. Do pharmacies ever place an</p> <p>16 order with Endo for branded opioids?</p> <p>17 A. No.</p> <p>18 Q. What about a doctor's</p> <p>19 office, do they ever order opioids</p> <p>20 directly from Endo?</p> <p>21 A. No.</p> <p>22 Q. And what about a pain</p> <p>23 clinic, do they ever order branded</p> <p>24 opioids directly from Endo?</p>
<p style="text-align: right;">Page 559</p> <p>1 both associate director and director of</p> <p>2 customer service in distribution?</p> <p>3 A. One of the main functions is</p> <p>4 to manage the UPS relationship. And then</p> <p>5 anything around customer service and</p> <p>6 distribution for the branded products.</p> <p>7 Q. And before we get into</p> <p>8 details, has Endo's distribution team had</p> <p>9 a monitoring program in place to track</p> <p>10 suspicious orders of branded opioids?</p> <p>11 A. Yes, we did.</p> <p>12 Q. And since you've been at the</p> <p>13 company, has Endo's distribution team</p> <p>14 always had safeguards in place to prevent</p> <p>15 diversion of Endo's opioids?</p> <p>16 MR. BUCHANAN: Objection to</p> <p>17 form.</p> <p>18 THE WITNESS: Yes, we have.</p> <p>19 BY MR. LIMBACHER:</p> <p>20 Q. Now, let's walk through how</p> <p>21 an order for branded opioids comes in to</p> <p>22 the company.</p> <p>23 First, who are Endo's</p> <p>24 customers for their branded opioids?</p>	<p style="text-align: right;">Page 561</p> <p>1 A. No.</p> <p>2 Q. What about manufacturing of</p> <p>3 the branded opioids at Endo sales, has</p> <p>4 Endo itself manufactured those branded</p> <p>5 opioids?</p> <p>6 A. We've always had contract</p> <p>7 manufacturers for Endo.</p> <p>8 Q. And once the branded opioids</p> <p>9 are manufactured by the contract</p> <p>10 manufacturers, where are they stored?</p> <p>11 A. Once they're made, they are</p> <p>12 shipped to UPS Supply Chain Solutions in</p> <p>13 Memphis, Tennessee. And that's where the</p> <p>14 distribution is done, and that's where</p> <p>15 they are stored.</p> <p>16 Q. And how long has that been</p> <p>17 the case?</p> <p>18 A. We've been in Memphis since</p> <p>19 April of 2000.</p> <p>20 Q. And is the warehouse that's</p> <p>21 in Tennessee, is that guarded?</p> <p>22 A. Yes.</p> <p>23 Q. And how are the branded</p> <p>24 opioids then distributed from Endo to the</p>

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<p style="text-align: right;">Page 562</p> <p>1 wholesaler customers that you identified?</p> <p>2 A. For the big three, they are</p> <p>3 shipped on dedicated trucks directly from</p> <p>4 the distribution center to the three big</p> <p>5 wholesalers' national distribution</p> <p>6 centers.</p> <p>7 Q. And what about for the other</p> <p>8 regional wholesalers that you sell</p> <p>9 branded opioids to?</p> <p>10 A. They are shipped -- because</p> <p>11 of the order size, they are a little bit</p> <p>12 smaller, so they are shipped UPS Second</p> <p>13 Day Air. And we use Second Day Air to</p> <p>14 limit the time they're in transit.</p> <p>15 Q. And is there a company that</p> <p>16 Endo has contracted with to actually</p> <p>17 perform the distribution of the branded</p> <p>18 opioids?</p> <p>19 A. UPS Supply Chain Solutions.</p> <p>20 Q. And is there a current</p> <p>21 contract between Endo and UPS?</p> <p>22 A. Yes.</p> <p>23 Q. And what's the purpose of</p> <p>24 that contract, as you understand it?</p>	<p style="text-align: right;">Page 564</p> <p>1 Q. Did Endo have its own set of</p> <p>2 processes to prevent suspicious orders</p> <p>3 and diversion of Opana?</p> <p>4 A. We had an excessive program</p> <p>5 in place at that time.</p> <p>6 Q. And are you familiar with</p> <p>7 something that's referred to as Endo's</p> <p>8 risk minimization action plan?</p> <p>9 A. I know that there was a risk</p> <p>10 MAP cross-functional team at Endo.</p> <p>11 Q. Let me show you what we're</p> <p>12 going to mark as the next exhibit.</p> <p>13 MR. LIMBACHER: Is that</p> <p>14 Exhibit-31?</p> <p>15 MR. TOLIN: Yes.</p> <p>16 - - -</p> <p>17 (Whereupon, EndoWalker</p> <p>18 Exhibit-31,</p> <p>19 ENDO_OPIOID_MDL_00299957-0030002,</p> <p>20 was marked for identification.)</p> <p>21 - - -</p> <p>22 BY MR. LIMBACHER:</p> <p>23 Q. And, for the record, this is</p> <p>24 Bates marked Endo_Opioid_MDL299957</p>
<p style="text-align: right;">Page 563</p> <p>1 A. It's the contract that lays</p> <p>2 out all the customer service functions</p> <p>3 that they perform, plus the warehousing</p> <p>4 and distribution and the freight that</p> <p>5 they manage for Endo.</p> <p>6 Q. And I think we looked at</p> <p>7 some of those contracts earlier, but how</p> <p>8 long has Endo had that kind of a contract</p> <p>9 with UPS to provide those services?</p> <p>10 A. Customer service started in</p> <p>11 April of '99, and then distribution</p> <p>12 started in April of 2000.</p> <p>13 Q. And has UPS had its own</p> <p>14 suspicious order monitoring program that</p> <p>15 it applies to orders for Endo's branded</p> <p>16 opioids?</p> <p>17 A. Yes.</p> <p>18 Q. And how long has that been</p> <p>19 the case, Mrs. Walker?</p> <p>20 A. It's been in their contract</p> <p>21 since the beginning.</p> <p>22 Q. When Opana launched -- I</p> <p>23 believe that was in 2006; is that right?</p> <p>24 A. Yes, I believe so.</p>	<p style="text-align: right;">Page 565</p> <p>1 through 300002.</p> <p>2 And you see this document is</p> <p>3 entitled, Risk Minimization Action Plan</p> <p>4 for Opana ER?</p> <p>5 A. Yes.</p> <p>6 Q. And have you seen this</p> <p>7 before?</p> <p>8 A. I have at some point, I</p> <p>9 believe.</p> <p>10 Q. And in carrying out your job</p> <p>11 responsibilities as -- well, let me back</p> <p>12 up.</p> <p>13 This is dated June of 2007;</p> <p>14 is that right?</p> <p>15 A. Yes.</p> <p>16 Q. So at that time, in carrying</p> <p>17 out your job responsibilities as the</p> <p>18 assistant director of distribution, did</p> <p>19 you provide information that went into</p> <p>20 this document?</p> <p>21 MR. BUCHANAN: Objection to</p> <p>22 form. Foundation.</p> <p>23 THE WITNESS: I provided</p> <p>24 information to my boss, who was</p>

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<p style="text-align: right;">Page 566</p> <p>1 part of the team at that time.</p> <p>2 BY MR. LIMBACHER:</p> <p>3 Q. Okay. And let me direct you</p> <p>4 to Page 8 of Exhibit-31.</p> <p>5 A. Okay.</p> <p>6 Q. And near the bottom of the</p> <p>7 page, right before the section heading,</p> <p>8 Goals and Objectives, there's a paragraph</p> <p>9 that states, In summary, Endo recognizes</p> <p>10 that access to opioid analgesics is</p> <p>11 critical for the millions of people</p> <p>12 suffering from chronic pain but that the</p> <p>13 risks of prescription opioids, including</p> <p>14 addiction and diversion, must also be</p> <p>15 addressed. To that end, the following</p> <p>16 risk MAP has been developed and was</p> <p>17 implemented at the time Opana ER was</p> <p>18 marketed. It is Endo's belief that this</p> <p>19 comprehensive risk MAP will help protect</p> <p>20 the public and aid in minimizing the</p> <p>21 abuse, misuse and diversion of its Opana</p> <p>22 products.</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes, you did.</p>	<p style="text-align: right;">Page 568</p> <p>1 A. Yes.</p> <p>2 Q. And you were involved in</p> <p>3 some of this; is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. And in the first paragraph</p> <p>6 under Section 3.4, it says, As for all of</p> <p>7 Endo's controlled substance products, the</p> <p>8 manufacture and distribution chain is</p> <p>9 highly controlled and closely monitored.</p> <p>10 Endo employs sophisticated controls and</p> <p>11 monitoring at its manufacturing sites, in</p> <p>12 transit to Endo's distribution center, at</p> <p>13 the distribution center, and in transit</p> <p>14 to the wholesalers and large retail</p> <p>15 chains with appropriate C-II vaults. All</p> <p>16 of Endo's manufacturing and distribution</p> <p>17 sites are rigorously inspected by the</p> <p>18 DEA, and all have close working</p> <p>19 relationships with their respective law</p> <p>20 enforcement agencies.</p> <p>21 First of all, did I read</p> <p>22 that correctly?</p> <p>23 A. You did.</p> <p>24 Q. And is that consistent with</p>
<p style="text-align: right;">Page 567</p> <p>1 Q. And is that consistent with</p> <p>2 your understanding of the purpose of this</p> <p>3 risk MAP document that we're looking at?</p> <p>4 A. Yes.</p> <p>5 Q. And you were focused</p> <p>6 primarily, I think you've told us</p> <p>7 repeatedly throughout the course of the</p> <p>8 day, on the issue of the suspicious order</p> <p>9 monitoring program as it applied to your</p> <p>10 customer service and distribution job</p> <p>11 responsibilities; is that right?</p> <p>12 A. Right. Right, with regards</p> <p>13 to shipments to wholesalers.</p> <p>14 Q. So if I can direct you to</p> <p>15 Page 23 of Exhibit-31, this risk</p> <p>16 minimization action plan.</p> <p>17 A. I'm sorry, 23, you said?</p> <p>18 Q. Yes.</p> <p>19 A. Yes, okay.</p> <p>20 Q. And you see there in Section</p> <p>21 3.4, part of Endo's risk minimization</p> <p>22 action plan for Opana ER was -- involved</p> <p>23 oversight of the distribution chain,</p> <p>24 right?</p>	<p style="text-align: right;">Page 569</p> <p>1 your understanding with regard to</p> <p>2 oversight by Endo over the distribution</p> <p>3 chain of its branded opioids?</p> <p>4 MR. BUCHANAN: Objection to</p> <p>5 form.</p> <p>6 THE WITNESS: Yes, that's</p> <p>7 correct. That's correct.</p> <p>8 BY MR. LIMBACHER:</p> <p>9 Q. And you have personal</p> <p>10 knowledge with regard to what is set</p> <p>11 forth in that language that I just read;</p> <p>12 is that fair?</p> <p>13 MR. BUCHANAN: Same</p> <p>14 objection.</p> <p>15 THE WITNESS: As far as it</p> <p>16 relates to the distribution</p> <p>17 center, yes.</p> <p>18 BY MR. LIMBACHER:</p> <p>19 Q. Now, are there appendices to</p> <p>20 the risk MAP document, do you recall?</p> <p>21 A. I believe there's a flow</p> <p>22 chart.</p> <p>23 Q. Let's take a look, first of</p> <p>24 all, at Appendix 2, which is on Page 42</p>

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<p style="text-align: right;">Page 570</p> <p>1 of Exhibit-31.</p> <p>2 MR. BUCHANAN: Do you have a</p> <p>3 Bates number, counsel?</p> <p>4 MR. LIMBACHER: I'm sorry?</p> <p>5 MR. BUCHANAN: Bates number?</p> <p>6 MR. LIMBACHER: Page 42. So</p> <p>7 just internal numbering, okay.</p> <p>8 MR. TOLIN: He's asking for</p> <p>9 the Bates number.</p> <p>10 MR. LIMBACHER: Oh, you're</p> <p>11 looking for the Bates number?</p> <p>12 MR. BUCHANAN: That's fine.</p> <p>13 I'm happy to use the internal</p> <p>14 number. I just wanted to make</p> <p>15 sure I'm on the same page.</p> <p>16 BY MR. LIMBACHER:</p> <p>17 Q. This is what I'll call a</p> <p>18 flow chart, does that make sense?</p> <p>19 A. Yes, it's a flow chart.</p> <p>20 Q. And it sets forth some of</p> <p>21 the safeguards that Endo employed to</p> <p>22 prevent opioid diversion, fair?</p> <p>23 A. Yes.</p> <p>24 Q. And, again, your focus was</p>	<p style="text-align: right;">Page 572</p> <p>1 When orders are picked, they</p> <p>2 are picked by one person with an RF gun,</p> <p>3 and then they are secondary checked by</p> <p>4 another warehouse associate to ensure</p> <p>5 that the order is correct. That states</p> <p>6 the double check.</p> <p>7 Controlled substances are</p> <p>8 over packed, and what I mean by that is</p> <p>9 if, for some reason, one wholesaler</p> <p>10 ordered one case of product, that one</p> <p>11 case is not shipped out the door, that</p> <p>12 case is put into another brown box to</p> <p>13 conceal the product that's actually in</p> <p>14 the box.</p> <p>15 And then before any product</p> <p>16 is actually shipped out the door, a cycle</p> <p>17 count is performed on all inventory to</p> <p>18 make sure the inventory is correct.</p> <p>19 That's just some of the few</p> <p>20 that's listed here.</p> <p>21 Q. And if we can turn to the</p> <p>22 next page, Page 43 of Exhibit-31,</p> <p>23 identified as Appendix 3.</p> <p>24 Are you with me?</p>
<p style="text-align: right;">Page 571</p> <p>1 primarily with regard to distribution,</p> <p>2 right?</p> <p>3 A. That's correct.</p> <p>4 Q. So let's look in the middle</p> <p>5 of Appendix 2, where it provides what</p> <p>6 some of these safeguards are that were in</p> <p>7 place at the distribution center for the</p> <p>8 branded opioids.</p> <p>9 A. Okay.</p> <p>10 Q. Okay. Can you kind of walk</p> <p>11 us through what's set forth here?</p> <p>12 A. Sure. So once products</p> <p>13 arrive at the distribution center from</p> <p>14 the manufacturer, everything is shipped</p> <p>15 from our manufacturer in a sealed truck.</p> <p>16 So before the truck is</p> <p>17 unloaded at the distribution center, the</p> <p>18 receiving team will verify the</p> <p>19 documentation that the seal on the truck</p> <p>20 is still intact, that it's the same seal</p> <p>21 that it left the manufacturing site with.</p> <p>22 There's cameras involved, when the truck</p> <p>23 is unloaded, as the product is moved into</p> <p>24 the vault.</p>	<p style="text-align: right;">Page 573</p> <p>1 A. Yes.</p> <p>2 Q. And this sets out some of</p> <p>3 the order processing and distribution</p> <p>4 safeguards that were implemented by Endo;</p> <p>5 is that fair?</p> <p>6 A. Yes.</p> <p>7 Q. And tell us, what is the</p> <p>8 excessive order management program that's</p> <p>9 described here?</p> <p>10 A. So when this was created</p> <p>11 back in 2007, it was our old excessive</p> <p>12 program that we had in place. And it</p> <p>13 looked at the customer's orders for the</p> <p>14 past three-month and twelve-month</p> <p>15 averages before anything issued.</p> <p>16 Q. And as the associate</p> <p>17 director of customer service at this</p> <p>18 time, did you have a role in monitoring</p> <p>19 suspicious orders?</p> <p>20 A. It was part of my job, yes.</p> <p>21 Q. And looking at the middle of</p> <p>22 Page 43, it talks about what it is that</p> <p>23 the folks in the customer service and</p> <p>24 distribution department, like yourself,</p>

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<p style="text-align: right;">Page 574</p> <p>1 would do in the event that a particular 2 order was kicked out. 3 Do you see that? 4 A. Yes. 5 Q. And would your department 6 sometimes reach out to customers and ask 7 why they placed an order that was larger 8 than it -- historically had been placed? 9 A. I'm sure -- I mean, I don't 10 recall specific examples, but I'm sure we 11 may have. 12 Q. Right. 13 A. Yes. 14 Q. And depending on the 15 information that you got back from the 16 customers, would a decision be made as to 17 whether or not to release the order or 18 not? 19 A. Yes. 20 Q. If you look at the bullet 21 points that are down kind of in the 22 middle of Page 43 of this risk MAP 23 document -- are you with me? The one 24 that says -- starting, Customer has</p>	<p style="text-align: right;">Page 576</p> <p>1 A. Yes. 2 Q. And you don't have any 3 personal knowledge about a lot of that; 4 is that fair? 5 A. Yes, that's fair. 6 Q. But a lot of that, a lot of 7 those efforts are described here in this 8 risk minimization action plan that we've 9 been looking at, Exhibit-31; is that 10 correct? 11 MR. BUCHANAN: Objection to 12 form and foundation. 13 THE WITNESS: Right. This 14 MAP is multiple different 15 cross-functional teams within 16 Endo. That is not part of my area 17 of responsibility. 18 BY MR. LIMBACHER: 19 Q. And if you look at Table 2, 20 the table of -- I'm sorry, Page 2, the 21 table of contents of Exhibit-31, that 22 lays out some of the various ways and 23 safeguards that Endo implemented in an 24 attempt to minimize the risk of</p>
<p style="text-align: right;">Page 575</p> <p>1 acquired a new customer or new contract. 2 A. Yes. 3 Q. Are these examples of some 4 of the types of information that you 5 might be provided when you reach out to 6 customers to try to get information about 7 these orders that are getting kicked out? 8 A. Yes. I mean, some 9 customers, they change wholesalers, so 10 that would be an example. I mean, sales 11 have just increased over time. Customers 12 have consolidated warehouses, closed 13 warehouses. 14 Some of the other reasons 15 which aren't listed here, holiday buying 16 patterns is always one that triggers some 17 excessive orders. 18 Q. Now, you were asked a lot of 19 questions earlier about efforts outside 20 of your customer service and distribution 21 department that Endo was making with 22 regard to trying to minimize the risk of 23 diversion. 24 Do you recall that?</p>	<p style="text-align: right;">Page 577</p> <p>1 diversion? 2 MR. BUCHANAN: Objection. 3 Form. 4 THE WITNESS: Yes, correct. 5 Again, this is all different 6 groups within Endo. That's not 7 part of my area of responsibility. 8 BY MR. LIMBACHER: 9 Q. Right. And that's why I 10 tried to focus you specifically on the 11 distribution information that's in this 12 particular document. 13 MR. BUCHANAN: Objection. 14 Move to strike the colloquy. 15 BY MR. LIMBACHER: 16 Q. But I want to direct you 17 to -- do you recall being asked 18 information by counsel with regard to 19 so-called IMS data or Wolters Kluwer 20 data? 21 A. That was asked of me earlier 22 today, but that's not -- again, that's 23 our sales group. That's not part of my 24 area of responsibility.</p>

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<p style="text-align: right;">Page 578</p> <p>1 Q. If you turn to Page 29 of 2 Exhibit-31. 3 A. I'm sorry, 29? 4 Q. Yes. 5 A. Okay, I'm there. 6 Q. And does this identify what 7 Endo was doing with regard to looking at 8 Wolters Kluwer data -- 9 MR. BUCHANAN: Objection to 10 form. 11 BY MR. LIMBACHER: 12 Q. -- as part of this risk 13 minimization action plan? 14 MR. BUCHANAN: Same 15 objection. 16 THE WITNESS: It's -- that 17 data is listed. But again, that's 18 not part of my area of 19 responsibility, so I really can't 20 speak to it. 21 BY MR. LIMBACHER: 22 Q. I understand. 23 And if we go to Page 31 of 24 this document, under Section 4.2.</p>	<p style="text-align: right;">Page 580</p> <p>1 Q. And at that time, do you 2 recall if they provided you with a 3 general description of their enhanced SOM 4 program in early 2010? 5 A. Yes, they provided our 6 clients with -- some people call it a 7 white paper or executive summary. 8 Q. Well, let's take a look at 9 that document, please. We can mark that 10 as Exhibit-32. 11 - - - 12 (Whereupon, EndoWalker 13 Exhibit-32, 14 ENDO_OPIOID_MDL_01239751-753, was 15 marked for identification.) 16 - - - 17 BY MR. LIMBACHER: 18 Q. Does Exhibit-32 appear to be 19 the executive summary or white paper that 20 UPS provided to Endo to describe their 21 enhanced SOM program? 22 A. Yes, it is. 23 MR. BUCHANAN: Objection to 24 form.</p>
<p style="text-align: right;">Page 579</p> <p>1 A. Yes. 2 Q. I think you got asked a 3 couple of questions just a little while 4 ago with regard to Endo's risk management 5 team, which you said was a 6 cross-functional team? 7 A. Yes. 8 Q. You were not a member of 9 that team, as I understand it; is that 10 right? 11 A. No, I was not. 12 Q. But your boss was a member? 13 A. At that time, yes. 14 Q. And let's put Exhibit-31 15 aside. 16 Do you recall at some point 17 in time that UPS informed you that it was 18 implementing an enhanced suspicious order 19 monitoring program? 20 A. Yes, I do remember. 21 Q. And do you recall when that 22 was? 23 A. I think it was early 2010. 24 I may not have the date correct.</p>	<p style="text-align: right;">Page 581</p> <p>1 BY MR. LIMBACHER: 2 Q. And is this something that 3 you've seen before? 4 A. Yes, I have. Many times. 5 Q. And what is your 6 understanding as to who created this 7 document? 8 A. It was created by UPS's 9 regulatory group. 10 Q. And if you could read for 11 the jury, under background on the first 12 page, what are they -- what is UPS 13 telling Endo as to the purpose of this 14 document? 15 A. Do you want me to read this? 16 Or just -- 17 Q. Just read that first 18 paragraph for us, please, thank you. 19 A. The purpose of the document 20 is to provide an executive summary of UPS 21 SCS suspicious order monitoring, SOM, 22 program. 23 Q. And is UPS providing 24 information with regard to face-to-face</p>

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<p>1 meetings that they had with the DEA prior</p> <p>2 to the drafting of this executive</p> <p>3 summary?</p> <p>4 Do you see that in the third</p> <p>5 paragraph?</p> <p>6 A. Yes.</p> <p>7 MR. BUCHANAN: Objection to</p> <p>8 form.</p> <p>9 THE WITNESS: UPS won't</p> <p>10 disclose their meetings, but they</p> <p>11 just stated that they had a</p> <p>12 meeting with the DEA.</p> <p>13 BY MR. LIMBACHER:</p> <p>14 Q. Yeah. Why don't you read</p> <p>15 for the jury what's in the third</p> <p>16 paragraph of the executive summary we've</p> <p>17 marked as Exhibit-32?</p> <p>18 A. In face-to-face meetings,</p> <p>19 UPS SCS has described to DEA its</p> <p>20 third-party logistics provider role. DEA</p> <p>21 has been clear in its direction to UPS</p> <p>22 SCS about its responsibilities as a</p> <p>23 member of a registrant population. DEA</p> <p>24 expects UPS SCS to have an SOM program</p>	<p>1 the ultimate responsibility of making a</p> <p>2 suspicious order determination must</p> <p>3 reside with UPS SCS regulatory affairs to</p> <p>4 remain compliant with the DEA</p> <p>5 requirements.</p> <p>6 Q. And, again, was that</p> <p>7 consistent with your understanding as to</p> <p>8 where the ultimate responsibility lied?</p> <p>9 MR. BUCHANAN: Objection to</p> <p>10 form.</p> <p>11 THE WITNESS: Yes. I always</p> <p>12 knew it lied with UPS.</p> <p>13 BY MR. LIMBACHER:</p> <p>14 Q. Were you also provided with</p> <p>15 at least some information with regard to</p> <p>16 the algorithm that UPS was utilizing as</p> <p>17 part of its enhanced SOM program in early</p> <p>18 2010?</p> <p>19 A. Yes. I know that UPS's</p> <p>20 program is considered confidential and</p> <p>21 proprietary, but they provided a summary</p> <p>22 to their clients.</p> <p>23 Q. And if you could read for</p> <p>24 the jury the first paragraph, on the</p>
Page 583	Page 585
<p>1 independent of any existing or future</p> <p>2 client's SOM programs.</p> <p>3 Q. And was that consistent with</p> <p>4 your understanding with regard to the UPS</p> <p>5 SCS SOM program?</p> <p>6 A. Yes.</p> <p>7 MR. BUCHANAN: Objection to</p> <p>8 form.</p> <p>9 THE WITNESS: Yes, I always</p> <p>10 knew they had an independent</p> <p>11 program than Endo's.</p> <p>12 BY MR. LIMBACHER:</p> <p>13 Q. And could you read for the</p> <p>14 ladies and gentlemen of the jury the next</p> <p>15 paragraph in this UPS executive summary?</p> <p>16 A. UPS SCS will make every</p> <p>17 effort to communicate and work in</p> <p>18 partnership with its clients to ensure</p> <p>19 that all orders that call for a DEA</p> <p>20 schedule listed drug products are</p> <p>21 properly evaluated and determination of</p> <p>22 suspicious is arrived at with the</p> <p>23 appropriate input from the client and/or</p> <p>24 customer requesting the order. However,</p>	<p>1 first page here, under the heading, UPS</p> <p>2 SCS approach?</p> <p>3 A. The UPS SCS quality</p> <p>4 assurance, QA/regulatory affairs, RA,</p> <p>5 department has worked with the UPS</p> <p>6 business information and analytics BIA</p> <p>7 group to develop an algorithm for</p> <p>8 statistical analysis for controlled</p> <p>9 substance orders. The UPS BIA department</p> <p>10 includes Ph.D. statisticians who have</p> <p>11 developed a sophisticated algorithm</p> <p>12 advanced enough to evaluate order</p> <p>13 quantity and frequency trends. In</p> <p>14 addition, the algorithm also evaluates</p> <p>15 older trends across like customers</p> <p>16 ordering these products and across the</p> <p>17 entire UPS SCS customer database ordering</p> <p>18 controlled substances.</p> <p>19 Q. And if you turn to the</p> <p>20 second page of the UPS white paper, or</p> <p>21 executive summary, is there more</p> <p>22 information provided there describing</p> <p>23 what the UPS SOM program was at this</p> <p>24 point in time?</p>

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<p>1 A. Yes. It has a summary.</p> <p>2 Q. And, finally, turning to the</p> <p>3 last page of the executive summary, if</p> <p>4 you look down at the bottom, under</p> <p>5 Paragraph Number 5, can you read for the</p> <p>6 ladies and gentlemen of the jury what UPS</p> <p>7 is telling you at this point?</p> <p>8 A. After thorough evaluations</p> <p>9 have been conducted and an order is</p> <p>10 deemed suspicious, the order must be</p> <p>11 cancelled in the order management system</p> <p>12 and the appropriate agency notification</p> <p>13 made. Any agency communication will be</p> <p>14 documented and be provided to the client.</p> <p>15 Q. Now, did Endo have the right</p> <p>16 to audit UPS under its distribution</p> <p>17 contract, as far as you know?</p> <p>18 A. Yes, we do.</p> <p>19 Q. And did Endo ever conduct an</p> <p>20 audit of UPS's suspicious order</p> <p>21 monitoring program?</p> <p>22 A. Yes, we did.</p> <p>23 Q. Let's take a look at the</p> <p>24 next document that we'll mark as Exhibit</p>	<p>1 BY MR. LIMBACHER:</p> <p>2 Q. And who is Tracey Hernandez?</p> <p>3 A. Tracey Hernandez was the DEA</p> <p>4 compliance person at Qualitest/Par.</p> <p>5 Q. And did Tracey conduct the</p> <p>6 audit of the UPS SOM system?</p> <p>7 A. Yes. Tracey did the audit.</p> <p>8 Q. Were you present during the</p> <p>9 audit?</p> <p>10 A. I was present, but I</p> <p>11 didn't -- I didn't do the audit, but I</p> <p>12 was present.</p> <p>13 Q. And do you recall if, as a</p> <p>14 result of this 2013 audit of the UPS SOM</p> <p>15 system, if Endo made any suggestions for</p> <p>16 improvements of that system?</p> <p>17 A. I believe the</p> <p>18 recommendations are on the next page.</p> <p>19 Q. Yeah. If we look on the</p> <p>20 second page of Exhibit-33, the Paragraph</p> <p>21 Number 1, with the heading, DEA license</p> <p>22 check, do you see that?</p> <p>23 A. I do.</p> <p>24 Q. And that paragraph reads as</p>
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<p>1 Number 33.</p> <p>2 - - -</p> <p>3 (Whereupon, EndoWalker</p> <p>4 Exhibit-33,</p> <p>5 PAR_OPIOID_MDL_0000404095-097, was</p> <p>6 marked for identification.)</p> <p>7 - - -</p> <p>8 BY MR. LIMBACHER:</p> <p>9 Q. And this appears to be a</p> <p>10 memo from Tracey Hernandez and Larry</p> <p>11 Shaffer, DEA compliance, dated November</p> <p>12 6th, 2013. And it appears that you were</p> <p>13 copied on this memo.</p> <p>14 Do you see that?</p> <p>15 A. Yes, I do.</p> <p>16 Q. And the re line of the memo</p> <p>17 is, Review of UPS suspicious order</p> <p>18 monitoring activities.</p> <p>19 Is that right?</p> <p>20 A. Yes, correct.</p> <p>21 MR. BUCHANAN: Is this 33,</p> <p>22 counsel?</p> <p>23 MR. LIMBACHER: Yes, 33.</p> <p>24 MR. BUCHANAN: Thanks.</p>	<p>1 follows: While UPS monitors the</p> <p>2 expiration date of a customer's license,</p> <p>3 they do not subscribe to any monthly</p> <p>4 service that would provide information on</p> <p>5 a customer's license suspension or</p> <p>6 revocation. Instead, they rely on the</p> <p>7 customer themselves to be forthcoming and</p> <p>8 notify them that their license has been</p> <p>9 affected. This presents a risk for</p> <p>10 customers looking to circumvent the</p> <p>11 controls and illegally obtain controlled</p> <p>12 products. There are several entities</p> <p>13 that offer a monthly feed (NTIS, Metro,</p> <p>14 to name a few) that compares your</p> <p>15 customer files to the list of active</p> <p>16 licenses. Any licenses not matching are</p> <p>17 flagged for further research. It is</p> <p>18 suggested that UPS subscribe to this</p> <p>19 service or check each license on DEA's</p> <p>20 website every time a controlled product</p> <p>21 is being shipped.</p> <p>22 Did I read that correctly?</p> <p>23 A. Yes, you did.</p> <p>24 Q. And do you recall, Ms.</p>

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<p style="text-align: right;">Page 590</p> <p>1 Walker, did UPS implement this suggested</p> <p>2 improvement to their SOM program?</p> <p>3 A. I believe UPS now has a tool</p> <p>4 where they pull the DEA licenses from.</p> <p>5 Q. Now, did Endo also make</p> <p>6 enhancements to its own internal SOM</p> <p>7 program in and around this time period of</p> <p>8 late 2013, early 2014?</p> <p>9 A. We implemented our current</p> <p>10 SOM program in May of '14.</p> <p>11 Q. Let me show you what we're</p> <p>12 going to mark as Exhibit-34.</p> <p>13 - - -</p> <p>14 (Whereupon, EndoWalker</p> <p>15 Exhibit-34,</p> <p>16 ENDO_OPIOID_MDL_05948292-287,</p> <p>17 (Pages in reverse sequential</p> <p>18 order), was marked for</p> <p>19 identification.)</p> <p>20 - - -</p> <p>21 MR. TOLIN: Can we go off</p> <p>22 the record for a second?</p> <p>23 MR. LIMBACHER: Sure.</p> <p>24 VIDEO TECHNICIAN: Going off</p>	<p style="text-align: right;">Page 592</p> <p>1 Q. And referring you to the</p> <p>2 page that I believe is on the back of</p> <p>3 this document at Bates number</p> <p>4 Endo_Opioid_MDL_5948287, it says on the</p> <p>5 top, SOM process flow?</p> <p>6 A. 287, yes, I got it.</p> <p>7 Q. Are you with me?</p> <p>8 A. Yes, I am.</p> <p>9 Q. Does this describe the SOM</p> <p>10 program that Endo implemented in 2014?</p> <p>11 A. Under the new process, yes,</p> <p>12 it does.</p> <p>13 Q. And read for us the first</p> <p>14 bullet under the new process there?</p> <p>15 A. Robust SOM program and the</p> <p>16 new SAP system will be implemented on May</p> <p>17 5th for the branded business unit.</p> <p>18 Q. And then the next bullet</p> <p>19 point down, the one that starts, Branded</p> <p>20 orders, could you read that for us as</p> <p>21 well?</p> <p>22 A. Branded orders will go</p> <p>23 through SOM checks in SAP and then again</p> <p>24 at UPS under UPS's SOM program.</p>
<p style="text-align: right;">Page 591</p> <p>1 record. The time is 6:15.</p> <p>2 - - -</p> <p>3 (Whereupon, a brief recess</p> <p>4 was taken.)</p> <p>5 - - -</p> <p>6 VIDEO TECHNICIAN: Going</p> <p>7 back on record. The beginning of</p> <p>8 Media File Number 11. The time is</p> <p>9 6:15.</p> <p>10 BY MR. LIMBACHER:</p> <p>11 Q. Mrs. Walker, we've shown you</p> <p>12 what we marked as Deposition Exhibit</p> <p>13 Number 34, and I'm particularly focused</p> <p>14 on the e-mail that you sent dated April</p> <p>15 20, 2014.</p> <p>16 Do you see that?</p> <p>17 A. Yes, I do.</p> <p>18 Q. And the subject there is,</p> <p>19 SOM program, branded pharma, right?</p> <p>20 A. Yes.</p> <p>21 Q. And you prepared this e-mail</p> <p>22 in April of 2014 summarizing changes to</p> <p>23 Endo's internal SOM program?</p> <p>24 A. Correct, I did.</p>	<p style="text-align: right;">Page 593</p> <p>1 Q. And let's spend just a</p> <p>2 minute talking about what this new</p> <p>3 enhanced SOM program was at Endo.</p> <p>4 If you can go down a little</p> <p>5 bit further on this page, where it talks</p> <p>6 about the calculations being based on 12</p> <p>7 months of historical data, tell us, what</p> <p>8 is the data that's being looked at under</p> <p>9 the new, robust SOM program?</p> <p>10 A. So it looks at the quantity,</p> <p>11 size and frequency by the ship to</p> <p>12 customer for each particular NDC number.</p> <p>13 And then it also looks at the quantity,</p> <p>14 size and frequency for the class of trade</p> <p>15 by NDC number. So "class of trade" being</p> <p>16 wholesalers.</p> <p>17 So it takes the average of</p> <p>18 all the wholesalers for that particular</p> <p>19 class of trade for the past 12 months, by</p> <p>20 NDC number.</p> <p>21 Q. And what is the significance</p> <p>22 of having added the calculation of</p> <p>23 averages for quantity, size and frequency</p> <p>24 for class of trade?</p>

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<p style="text-align: right;">Page 594</p> <p>1 A. It looks at all --</p> <p>2 MR. BUCHANAN: Objection to</p> <p>3 form.</p> <p>4 THE WITNESS: It looks at</p> <p>5 all of the class of trades for the</p> <p>6 customer. So it looks at not just</p> <p>7 the particular McKesson or ABC or</p> <p>8 Cardinal, it looks at everything,</p> <p>9 all wholesalers ordering that</p> <p>10 product as a whole -- as a</p> <p>11 benchmark.</p> <p>12 BY MR. LIMBACHER:</p> <p>13 Q. And the benchmark that's</p> <p>14 created through the calculation of this</p> <p>15 average would include sales to the</p> <p>16 regional wholesalers as well as the three</p> <p>17 larger national wholesalers?</p> <p>18 A. Yes, that's correct.</p> <p>19 MR. BUCHANAN: Objection to</p> <p>20 form.</p> <p>21 BY MR. LIMBACHER:</p> <p>22 Q. And would that, then, result</p> <p>23 in more orders being kicked out and being</p> <p>24 subject to review as orders of interest?</p>	<p style="text-align: right;">Page 596</p> <p>1 they are released, they go through</p> <p>2 UPS's SOM program before they are</p> <p>3 shipped.</p> <p>4 BY MR. LIMBACHER:</p> <p>5 Q. And is what's described here</p> <p>6 in the document we marked as Exhibit-34,</p> <p>7 is that essentially still the suspicious</p> <p>8 order monitoring program that's in place</p> <p>9 at Endo today?</p> <p>10 A. Yes, it is.</p> <p>11 Q. Just a couple more</p> <p>12 questions, Ms. Walker.</p> <p>13 If you can look at the</p> <p>14 exhibits that you were asked questions</p> <p>15 about before, I'd like you to pull out</p> <p>16 Exhibit-15 and Exhibit-22. If you can</p> <p>17 find those.</p> <p>18 A. If I have 15 and 22? I'm</p> <p>19 sorry, I guess I should have kept them in</p> <p>20 numerical order.</p> <p>21 Q. That's okay. It's been a</p> <p>22 long day.</p> <p>23 A. 22. What's this one?</p> <p>24 That's 24. 22, got it.</p>
<p style="text-align: right;">Page 595</p> <p>1 A. Yes, it could. Because --</p> <p>2 MR. BUCHANAN: Objection to</p> <p>3 form.</p> <p>4 THE WITNESS: -- because if</p> <p>5 you look -- because if you have</p> <p>6 the big three wholesalers that</p> <p>7 order X and the smaller ones may</p> <p>8 order, obviously, a lower quantity</p> <p>9 because they are smaller</p> <p>10 customers, it could bring the</p> <p>11 benchmark down for the class of</p> <p>12 trade.</p> <p>13 BY MR. LIMBACHER:</p> <p>14 Q. Now, did this Endo SOM</p> <p>15 process that was enhanced in 2014, did</p> <p>16 that replace the UPS SOM program, or did</p> <p>17 the orders for Endo's brand opioids</p> <p>18 continue to go through both the Endo SOM</p> <p>19 process and the UPS SOM process?</p> <p>20 MR. BUCHANAN: Objection to</p> <p>21 form.</p> <p>22 THE WITNESS: No. All of</p> <p>23 our orders always go through</p> <p>24 Endo's SOM program. And then once</p>	<p style="text-align: right;">Page 597</p> <p>1 Q. You got it?</p> <p>2 A. Yes, I do.</p> <p>3 Q. Just a few questions.</p> <p>4 With regard to Exhibit-15,</p> <p>5 do you recall that you let counsel know</p> <p>6 that you wanted to provide a little</p> <p>7 context with regard to the e-mail</p> <p>8 exchange that's shown here in Exhibit-15?</p> <p>9 A. Yes.</p> <p>10 MR. BUCHANAN: Objection to</p> <p>11 form.</p> <p>12 THE WITNESS: Yes, I wanted</p> <p>13 to provide some additional</p> <p>14 information.</p> <p>15 BY MR. LIMBACHER:</p> <p>16 Q. And this e-mail exchange, as</p> <p>17 I recall, provides some information with</p> <p>18 regard to what was happening to certain</p> <p>19 orders; is that right?</p> <p>20 A. Right. So if I can</p> <p>21 interject.</p> <p>22 So during this time frame, I</p> <p>23 think I spoke about it earlier, too, this</p> <p>24 is when Endo had a supply issue with</p>

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<p style="text-align: right;">Page 598</p> <p>1 Opana. And because of the supply issues, 2 a lot of orders were being cut down. A 3 lot of orders weren't shipped. A lot of 4 orders were being held because we didn't 5 have inventory, then orders were being 6 shipped. 7 So this was a whole big 8 supply issue we had for multiple months 9 in regards to Opana. 10 And then the other thing, 11 too, to point out is the e-mail from 12 McKesson placing all these orders, 13 normally we ship to McKesson's central 14 distribution center. But because of our 15 supply issue, we shipped some orders 16 directly out to McKesson's forwarding 17 distribution center so they got inventory 18 quicker for patients, which is an unusual 19 thing that we do. 20 Q. So were any of the orders 21 that are being discussed in Exhibit-15, 22 were they being reduced in size because 23 they were excessive or suspicious orders? 24 A. No. They were being reduced</p>	<p style="text-align: right;">Page 600</p> <p>1 much, Mrs. Walker. I really 2 appreciate your time. 3 MR. BUCHANAN: I'll have a 4 few follow-ups. Can we go off? 5 VIDEO TECHNICIAN: Going off 6 record. The time is 6:23. 7 - - - 8 (Whereupon, a brief recess 9 was taken.) 10 - - - 11 VIDEO TECHNICIAN: Going 12 back on the record. This is the 13 beginning of Media File Number 12. 14 The time is 6:26. 15 MR. BUCHANAN: Ms. Walker, I 16 have a couple of follow-up 17 questions following up on those 18 answers you provided to counsel a 19 moment ago. 20 - - - 21 EXAMINATION 22 - - - 23 BY MR. BUCHANAN: 24 Q. If you could pull 34 up</p>
<p style="text-align: right;">Page 599</p> <p>1 in size because we didn't have enough 2 inventory to fill all the orders. 3 Q. If you can turn to 4 Exhibit-22. I don't know if you recall 5 being asked a number of questions with 6 regard to this series of e-mails. 7 Do you recall that? 8 A. I remember discussing this 9 e-mail earlier today. 10 Q. And the subject line is, DEA 11 representative comments on Opana. 12 Do you remember that? 13 A. That's what the e-mail 14 states, yes. 15 Q. And there's quite a few 16 e-mails that are going back and forth 17 from a number of different people in 18 Exhibit-22; is that right? 19 A. Yes. 20 Q. Is your name anywhere on any 21 of these e-mails that are a part of 22 Exhibit-22? 23 A. No, they are not. 24 MR. LIMBACHER: Thanks very</p>	<p style="text-align: right;">Page 601</p> <p>1 before you. 2 This is that e-mail exchange 3 where you connected -- I'm sorry, where 4 you attached a document entitled, SOMS 5 process flow. 6 Do you have that before you, 7 ma'am? 8 A. This one? 9 Q. Yes. 10 A. Yes. 11 Q. And I think you were asked 12 some questions about whether this was the 13 new, robust SOM program of Endo in 2014? 14 A. Yes. 15 Q. Okay. And you were asked 16 what the significance of this new program 17 was. 18 Do you recall those 19 questions? 20 A. Yes, I do. 21 Q. We can agree, ma'am, that 22 regardless of how you changed your 23 algorithm, "you" being Endo, all that 24 change would do is identify additional</p>

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<p style="text-align: right;">Page 602</p> <p>1 orders of interest that would be subject</p> <p>2 to human review, fair?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. And in each instance before</p> <p>5 this point in time, when an order of</p> <p>6 interest was identified, it was cleared</p> <p>7 by you and cleared for shipping, correct?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: Under both</p> <p>11 processes, yes. It was cleared by</p> <p>12 me or my team for shipping.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. Right. So this new, more</p> <p>15 robust SOM program, even if it identified</p> <p>16 additional orders of interest to be</p> <p>17 reviewed as excessive for quantity,</p> <p>18 excessive for size, or excessive for</p> <p>19 frequency, there was still a human being</p> <p>20 in your department that would be</p> <p>21 reviewing the results of that order</p> <p>22 flagged, correct?</p> <p>23 A. We would review it and,</p> <p>24 again, they would go down to UPS to be</p>	<p style="text-align: right;">Page 604</p> <p>1 correct.</p> <p>2 BY MR. BUCHANAN:</p> <p>3 Q. Did not block a single</p> <p>4 shipment of Opana, correct?</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 THE WITNESS: No, we did</p> <p>8 not. They were reviewed and</p> <p>9 released to UPS.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Did not block a single</p> <p>12 shipment of Percocet, correct?</p> <p>13 MR. LIMBACHER: Object to</p> <p>14 form.</p> <p>15 THE WITNESS: They were</p> <p>16 reviewed and released, correct.</p> <p>17 BY MR. BUCHANAN:</p> <p>18 Q. Narcotics and opioids</p> <p>19 subject to abuse and subject to the</p> <p>20 opioid epidemic with which our</p> <p>21 communities are currently suffering,</p> <p>22 correct, ma'am?</p> <p>23 A. So --</p> <p>24 MR. LIMBACHER: Object to</p>
<p style="text-align: right;">Page 603</p> <p>1 reviewed by -- through their SOM program.</p> <p>2 Q. And in each instance, even</p> <p>3 with this new robust SOM program, I</p> <p>4 believe that's what it was characterized</p> <p>5 as, either by you or by your counsel, you</p> <p>6 cleared those orders, right?</p> <p>7 MR. LIMBACHER: Object to</p> <p>8 form.</p> <p>9 THE WITNESS: After they</p> <p>10 were reviewed, they were cleared</p> <p>11 and sent to UPS for review.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Okay. So in terms of</p> <p>14 protecting the public from suspicious</p> <p>15 orders and protecting the public from</p> <p>16 diversion and protecting the public from</p> <p>17 abuse of Opana, we can agree that</p> <p>18 whatever you do -- did with regard to</p> <p>19 your SOM program in 2014 did not block a</p> <p>20 single shipment of Opana ER, correct?</p> <p>21 MR. LIMBACHER: Object to</p> <p>22 form.</p> <p>23 THE WITNESS: They were</p> <p>24 reviewed and released, yes, that's</p>	<p style="text-align: right;">Page 605</p> <p>1 form. Argumentative.</p> <p>2 THE WITNESS: So, again, if</p> <p>3 I can point out, you know, I'm</p> <p>4 doing shipments to wholesalers.</p> <p>5 There was other areas within Endo</p> <p>6 that did other things to protect</p> <p>7 the public, which I think we</p> <p>8 discussed during our risk MAP.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. And in staying with my</p> <p>11 question, the narcotics that -- on the</p> <p>12 orders you were shipping, Percocet, Opana</p> <p>13 ER, Opana, those are the products that</p> <p>14 were Class II branded drugs of Endo,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Those would have been the</p> <p>18 orders you would have been reviewing,</p> <p>19 under either the old, less robust or</p> <p>20 under the new, more robust SOM program,</p> <p>21 correct?</p> <p>22 A. Yes. They were reviewed at</p> <p>23 Endo and, again, also reviewed at UPS</p> <p>24 before shipping.</p>

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<p style="text-align: right;">Page 606</p> <p>1 Q. Each and every one cleared 2 and shipped, correct? 3 MR. LIMBACHER: Object to 4 form. 5 THE WITNESS: That's my 6 understanding. 7 BY MR. BUCHANAN: 8 Q. Okay. You were asked some 9 questions about Exhibit-22. I think the 10 question was, do you see your name 11 anywhere on here? 12 Exhibit-22, ma'am, was an 13 exchange where a number of folks within 14 Endo were discussing statements by the 15 DEA about Opana being subject to misuse 16 and diversion. 17 Do you recall that? 18 A. That's what the e-mail 19 states. 20 Q. That's what the e-mail 21 states. 22 And I think counsel asked 23 you whether you saw your name anywhere on 24 this thread, correct?</p>	<p style="text-align: right;">Page 608</p> <p>1 A. Yes. 2 Q. If you told the FDA you were 3 going to do this stuff, you certainly 4 should have, right? 5 MR. LIMBACHER: Object to 6 form. Foundation. 7 THE WITNESS: I can't speak 8 to the risk MAP. I was not part 9 of this team. I can only speak to 10 my area. 11 BY MR. BUCHANAN: 12 Q. I didn't think you would be 13 able to speak to it either, but your 14 counsel decided to have you speak to it. 15 So we're going to talk about it. 16 MR. LIMBACHER: Objection. 17 Move to strike. I asked her 18 questions with regard to 19 distribution. 20 MR. BUCHANAN: You asked her 21 questions with regard to the 22 broader risk MAP, counsel. And 23 we'll discuss those. 24 BY MR. BUCHANAN:</p>
<p style="text-align: right;">Page 607</p> <p>1 A. Correct. And my name is not 2 on this thread. 3 Q. Does it surprise you, ma'am, 4 that the DEA's concerns with regard to 5 Opana and the diversion and the abuse 6 were not shared with you? 7 MR. LIMBACHER: Object to 8 form. 9 THE WITNESS: Surprise? 10 BY MR. BUCHANAN: 11 Q. Yes. 12 Are you surprised? 13 MR. LIMBACHER: Object to 14 form. 15 THE WITNESS: Again, there 16 is other areas within Endo that 17 did things to protect the public 18 from abuse of Opana. 19 BY MR. BUCHANAN: 20 Q. Well, let's talk about that. 21 I think that was one of the items that 22 defense counsel discussed with you, the 23 risk MAP. 24 Do you recall that?</p>	<p style="text-align: right;">Page 609</p> <p>1 Q. You would agree, ma'am, that 2 if the company represented that it was 3 going to undertake specific activities 4 with regard to abuse and diversion of 5 Opana ER, it certainly should have done 6 so, correct? 7 MR. LIMBACHER: Object to 8 form and foundation. 9 THE WITNESS: I can only 10 speak to the distribution. I 11 can't speak to everything within 12 the risk MAP and what other 13 departments did. 14 BY MR. BUCHANAN: 15 Q. You were talking about that 16 earlier with counsel on examination, do 17 you recall that just a few minutes ago? 18 A. Rephrase your question. 19 Q. Do you recall discussing 20 with counsel, just a few moments ago, the 21 other items that the company was 22 purportedly undertaking to minimize abuse 23 and diversion? Do you recall that? 24 MR. LIMBACHER: Object to</p>

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<p style="text-align: right;">Page 610</p> <p>1 form.</p> <p>2 THE WITNESS: We discussed</p> <p>3 the distribution piece of this</p> <p>4 map.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. And you also discussed other</p> <p>7 portions of the document.</p> <p>8 Do you recall that?</p> <p>9 A. I think --</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: I think I</p> <p>13 stated in that, that I can't speak</p> <p>14 to other areas within the company.</p> <p>15 BY MR. BUCHANAN:</p> <p>16 Q. Okay. So should we</p> <p>17 disregard your testimony as to whether</p> <p>18 the company was doing or not doing that?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: I don't think</p> <p>22 you should disregard my testimony.</p> <p>23 What I'm stating is, I can't speak</p> <p>24 to other areas of the company.</p>	<p style="text-align: right;">Page 612</p> <p>1 time did any of these other risk</p> <p>2 mitigation efforts that are represented</p> <p>3 in this particular risk MAP, did any</p> <p>4 other department within Endo bring to</p> <p>5 your attention particular customers or</p> <p>6 particular customers of customers to whom</p> <p>7 you should not ship?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: No, they</p> <p>11 didn't. But I can't speak to what</p> <p>12 other areas of the company did or</p> <p>13 did not do.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. Well, we know shipments of</p> <p>16 Opana ER and Percocet would not leave</p> <p>17 this company without you clearing it,</p> <p>18 right?</p> <p>19 MR. LIMBACHER: Object to</p> <p>20 form.</p> <p>21 THE WITNESS: I shipped the</p> <p>22 orders to wholesalers, yes.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. So it would be fair to say,</p>
<p style="text-align: right;">Page 611</p> <p>1 And I think I explained that</p> <p>2 earlier as well.</p> <p>3 BY MR. BUCHANAN:</p> <p>4 Q. And you can't speak to</p> <p>5 whether or not the company did what was</p> <p>6 represented in here, in terms of the</p> <p>7 efforts to minimize or prevent abuse and</p> <p>8 diversion, can you, ma'am?</p> <p>9 A. I can speak to the</p> <p>10 distribution piece of this.</p> <p>11 Q. As to the nondistribution</p> <p>12 pieces, which were called to your</p> <p>13 attention, do you have any -- can you</p> <p>14 shed any light on whether the company did</p> <p>15 what was represented; yes or no?</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: It's not my</p> <p>19 area of responsibility. No, I</p> <p>20 can't.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. Okay. With regard to</p> <p>23 whatever efforts were highlighted to you</p> <p>24 earlier, can we agree that at no point in</p>	<p style="text-align: right;">Page 613</p> <p>1 ma'am, that at no point in time in the, I</p> <p>2 don't know, dozen or so years that there</p> <p>3 was a risk MAP for Opana ER did anyone in</p> <p>4 the company bring to you information</p> <p>5 concerning one of the company's customers</p> <p>6 or one of the company's customers'</p> <p>7 customers identified through these other</p> <p>8 areas and guide you not to ship to them,</p> <p>9 did they?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: I can't -- no,</p> <p>13 they didn't. I shipped to</p> <p>14 wholesalers. Again, I'm shipping</p> <p>15 to the wholesalers.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. At no point in time did the</p> <p>18 company come to you, anybody within the</p> <p>19 company come to you and identify</p> <p>20 particular customers of those wholesale</p> <p>21 customers as problematic, either through</p> <p>22 Wolters Kluwer data or through IMS data</p> <p>23 or through chargeback data, can we agree</p> <p>24 to that?</p>

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<p style="text-align: right;">Page 614</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: The IMS data 4 and Wolters Kluwer data is not 5 part of my responsibility. 6 BY MR. BUCHANAN: 7 Q. I understand. And I think 8 you were read and shown portions of this 9 document that related to Wolters Kluwer 10 data. 11 Do you recall that? 12 A. Right. And I also stated 13 that's not part of my area of 14 responsibility. I believe I stated that. 15 Q. Did anybody within the 16 company who had that responsibility ever 17 come to you and discuss their findings 18 with regard to review of that data? 19 A. No. But that doesn't mean 20 they didn't do what they were supposed to 21 do within the company. I can't speak to 22 that. 23 Q. Do you have any knowledge 24 that they even did it?</p>	<p style="text-align: right;">Page 616</p> <p>1 MR. SIEGEL: 552 as 2 Exhibit-35. 3 - - - 4 (Whereupon, EndoWalker 5 Exhibit-35, 6 ENDO_OPIOID_MDL_00852918-925, was 7 marked for identification.) 8 - - - 9 BY MR. BUCHANAN: 10 Q. I'd like to direct your 11 attention, after you get it, ma'am, to 12 Page 552.3. 13 It's a law enforcement 14 outreach Q and A. And you'll see the 15 prior page, 552.2, identified 16 prescription drug surveillance systems 17 and -- excuse me. 18 Let's start on the first 19 page, please, actually. 20 This is July 17th, 2006 21 graphic for diversion control from a 22 David Kerr to Heather Mullen. 23 Do you know who they are? 24 A. No.</p>
<p style="text-align: right;">Page 615</p> <p>1 MR. LIMBACHER: Object to 2 form. 3 THE WITNESS: I can't speak 4 to that. 5 MR. LIMBACHER: Foundation. 6 THE WITNESS: It's not my 7 area of responsibility. 8 BY MR. BUCHANAN: 9 Q. Okay. We were just 10 discussing, ma'am, Exhibit-31, which was 11 the risk minimization action plan. 12 In connection with the 13 launch of Opana ER, the company went out 14 and engaged with various law enforcement 15 authorities, correct? 16 A. I can't -- 17 MR. LIMBACHER: Object to 18 form. Foundation. 19 THE WITNESS: I don't know 20 that. I can't confirm that. 21 That's not my area of 22 responsibility. 23 MR. BUCHANAN: Can I please 24 have --</p>	<p style="text-align: right;">Page 617</p> <p>1 Q. David Kerr, vice president, 2 business development? 3 A. He worked at Endo. 4 Q. If we go to Page 552.3, it 5 says, Law enforcement outreach Q and A. 6 And it runs through several 7 of the questions and answers with law 8 enforcement on issues concerning Opana, 9 correct? 10 A. That's what the document 11 states. 12 Q. Towards the bottom, it 13 states, Do you check with IMS or some 14 other service for high script levels. 15 Do you see that question? 16 Do you see that question, 17 ma'am? 18 A. Yes. I was trying to find 19 it. Sorry. 20 Q. At the bottom, it says, Endo 21 will be monitoring order levels through 22 Wolters Kluwer Health and will evaluate 23 this information at least quarterly 24 through its risk management group to</p>

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<p style="text-align: right;">Page 618</p> <p>1 detect unusual trends. 2 Do you see that? 3 A. Yes. 4 Q. Were you ever -- did you 5 ever receive any information from the 6 risk management group concerning unusual 7 trends with regard to Opana? 8 MR. LIMBACHER: Object to 9 form. 10 THE WITNESS: That's not my 11 area of responsibility. 12 BY MR. BUCHANAN: 13 Q. Okay. 14 A. Again, they talked about 15 this Wolters Kluwer data. That's not my 16 area. 17 Q. In the middle of the second 18 page -- excuse me, the next page on this 19 Q and A, 552.4, it says, We check on 20 suspicious orders in our area and advise 21 DEA. 22 Do you see that, ma'am? 23 A. Yes. 24 Q. And what did you represent</p>	<p style="text-align: right;">Page 620</p> <p>1 We check on suspicious 2 orders in area and advise DEA. 3 Do you see that? 4 A. Correct. That's what I 5 read. 6 Q. Oh, okay. Maybe you skipped 7 the first couple words. 8 Endo will receive and 9 evaluate, at least quarterly, through its 10 risk management group, the Wolters Kluwer 11 data information reflecting purchases and 12 prescribing patterns. 13 Do you see that? 14 A. I do. 15 Q. If circumstances seem 16 suspicious, we will notify the law 17 enforcement and DEA. 18 Did I read that correctly? 19 A. You did. 20 Q. Okay. We will monitor 21 orders for suspicious patterns. 22 Do you see that at the 23 bottom? 24 A. Yes.</p>
<p style="text-align: right;">Page 619</p> <p>1 to law enforcement authorities that you 2 would do in that regard? 3 MR. LIMBACHER: Object to 4 form. She didn't represent 5 anything, counsel. 6 BY MR. BUCHANAN: 7 Q. What does it state that Endo 8 would do, ma'am? 9 MR. LIMBACHER: I don't see 10 her name anywhere on this 11 document. 12 THE WITNESS: Correct. I 13 can read it for you, if you want 14 me to. 15 BY MR. BUCHANAN: 16 Q. Please. 17 A. Endo will receive and 18 evaluate, at least quarterly, through its 19 risk management group, the Wolters Kluwer 20 Health information reflecting purchases 21 and prescribing patterns. 22 Q. Let's focus on this one. 23 I'm sorry, I think you're on the prior 24 page, ma'am.</p>	<p style="text-align: right;">Page 621</p> <p>1 Q. The Endo ordering system 2 produces an excessive order report, which 3 is reviewed by the customer service 4 managers for approval. An excessive 5 order is defined as any order that 6 exceeds the prior three-month average 7 shipped and/or any order that exceeds the 8 prior twelve-month average shipped. 9 Did I read that correctly? 10 A. You did. 11 Q. And that was essentially the 12 algorithm that was in place at that point 13 in time to identify suspicious orders? 14 A. Correct. 15 Q. And then what does it say in 16 terms of approval? 17 A. Approval to release 18 excessive orders of products must be 19 issued by the vice president or senior 20 vice president of Endo. 21 Q. Okay. When you got 22 excessive orders, ma'am -- and you got a 23 lot of them, right? 24 MR. LIMBACHER: Object to</p>

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<p style="text-align: right;">Page 622</p> <p>1 form.</p> <p>2 THE WITNESS: We had -- we</p> <p>3 had orders that kicked out on our</p> <p>4 report, yes.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. And we spent a considerable</p> <p>7 amount of time reviewing just those</p> <p>8 orders in Exhibit-1 into the state of</p> <p>9 Missouri, correct?</p> <p>10 A. We did.</p> <p>11 Q. And in this statement to law</p> <p>12 enforcement, it states, The approval to</p> <p>13 release excessive orders of product must</p> <p>14 be issued by a vice president or senior</p> <p>15 vice president of Endo.</p> <p>16 Is that correct?</p> <p>17 MR. LIMBACHER: Object to</p> <p>18 form.</p> <p>19 THE WITNESS: That's what it</p> <p>20 states.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. Who is your -- who was the</p> <p>23 vice president up the line from you in</p> <p>24 2007, ma'am?</p>	<p style="text-align: right;">Page 624</p> <p>1 A. Our orders went through our</p> <p>2 SOM program and again at UPS. And no.</p> <p>3 Q. Stay with my question,</p> <p>4 ma'am.</p> <p>5 In 2010, were vice</p> <p>6 presidents and senior vice presidents</p> <p>7 those that were authorized to release</p> <p>8 orders and excessive orders?</p> <p>9 A. No.</p> <p>10 Q. To the best of your</p> <p>11 knowledge, ma'am, did a vice president or</p> <p>12 senior vice president ever release an</p> <p>13 excessive order?</p> <p>14 MR. LIMBACHER: Object to</p> <p>15 form.</p> <p>16 THE WITNESS: Not to my</p> <p>17 knowledge.</p> <p>18 BY MR. BUCHANAN:</p> <p>19 Q. So if these were the</p> <p>20 representations of the company to law</p> <p>21 enforcement and the DEA in 2006, would it</p> <p>22 be fair to say it wasn't done that way?</p> <p>23 MR. LIMBACHER: Object to</p> <p>24 form.</p>
<p style="text-align: right;">Page 623</p> <p>1 A. I don't recall.</p> <p>2 Q. I'm sorry, 2006?</p> <p>3 A. I don't recall.</p> <p>4 Q. Were you a vice president?</p> <p>5 A. No.</p> <p>6 Q. Were vice presidents</p> <p>7 releasing orders that were identified on</p> <p>8 the excessive order sheet, ma'am?</p> <p>9 A. No.</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Were senior vice presidents</p> <p>14 of Endo the ones releasing excessive</p> <p>15 orders --</p> <p>16 MR. LIMBACHER: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. BUCHANAN:</p> <p>20 Q. -- in 2006?</p> <p>21 How about in 2010, were vice</p> <p>22 presidents and senior vice presidents the</p> <p>23 ones who were authorized to release</p> <p>24 excessive orders?</p>	<p style="text-align: right;">Page 625</p> <p>1 THE WITNESS: I don't know</p> <p>2 what this document is. I've never</p> <p>3 seen this document until today.</p> <p>4 So I don't know.</p> <p>5 BY MR. BUCHANAN:</p> <p>6 Q. Looking at David Kerr, he</p> <p>7 was, in fact, the vice president -- a</p> <p>8 vice president with Endo Pharmaceutical,</p> <p>9 Inc., correct?</p> <p>10 A. That's what it states on his</p> <p>11 e-mail.</p> <p>12 Q. I am meeting with Philly DEA</p> <p>13 tomorrow with Nick. I am digging around</p> <p>14 for that one-page graphic that is the</p> <p>15 risk MAP showing the control flow</p> <p>16 provided by Jill Connell.</p> <p>17 Jill was your boss?</p> <p>18 A. She was.</p> <p>19 Q. And, Do you have access to</p> <p>20 that copy and can you send today?</p> <p>21 There's a reply from Heather</p> <p>22 Mullen.</p> <p>23 Who is Heather?</p> <p>24 A. I don't know.</p>

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<p style="text-align: right;">Page 626</p> <p>1 Q. Okay. Yes, here it is. 2 Distribution chart, along with all the 3 docs that I put together that you might 4 use, in addition to a blue folder for law 5 enforcement meetings. 6 Do you see that? 7 A. Yes. 8 Q. Let me know if you need 9 anything else and let me know how it 10 goes. 11 Do you see that, ma'am? 12 A. I do. 13 Q. You were asked some 14 questions about Exhibit-15, which you 15 discussed in examination with me earlier 16 today. 17 Do you recall discussing 18 this e-mail thread, Exhibit-15, that 19 counsel just asked you some follow-up 20 questions on? 21 A. Exhibit-15? 22 Q. Yes. 23 A. Yes. 24 Q. Okay. I think you said that</p>	<p style="text-align: right;">Page 628</p> <p>1 Q. So there's, in fact, an 2 audit trail tracking the circumstances 3 when the company cut order size? 4 A. Within the order there is, 5 yes. 6 Q. And are the reasons for that 7 cut documented in the order system? 8 A. They should -- 9 MR. LIMBACHER: Object to 10 form. 11 THE WITNESS: They should 12 be. 13 BY MR. BUCHANAN: 14 Q. To your knowledge, they are? 15 A. They should be, yes. 16 Q. Okay. You were shown a 17 document, 35, Exhibit-35, UPS audit. 18 Do you recall that? 19 A. Yes. 20 Q. That wasn't the first time 21 that you all audited UPS, correct? 22 A. No. UPS has been audited 23 many times over the years. 24 Q. Okay.</p>
<p style="text-align: right;">Page 627</p> <p>1 there was a reason why these orders had 2 to be cut in size or downsized. 3 Do you recall that? 4 A. Correct. We had a supply 5 issue at this time on Opana. 6 Q. We spent some time going 7 through a SAP report, a SOM audit trail 8 report. 9 Do you recall doing that 10 with me? 11 A. I do. 12 Q. Does that system, in fact, 13 track whether orders were cut in size? 14 A. I would have to look at it 15 to confirm that. But I would assume -- 16 Q. The order that you 17 received -- 18 A. -- yes. 19 Q. Does it keep track of 20 whether the company, notwithstanding the 21 initial order that was provided by the 22 customer, cut the order in size? 23 A. Yes, it keeps the history of 24 the order.</p>	<p style="text-align: right;">Page 629</p> <p>1 MR. BUCHANAN: Could I have 2 578, please? 3 - - - 4 (Whereupon, EndoWalker 5 Exhibit-36, 6 PAR_OPIOID_MDL_0000404285, was 7 marked for identification.) 8 - - - 9 MR. SIEGEL: 578 being 10 marked as Exhibit-36. 11 MR. BUCHANAN: Pass it over 12 to counsel, please, and one for 13 the witness. 14 BY MR. BUCHANAN: 15 Q. I'm showing you what's been 16 marked as Exhibit-36 to the deposition. 17 A summary of teleconference with UPS 18 regarding SOMS, February 13, 2013. 19 Do you see that, ma'am? 20 A. I do. 21 Q. And you're listed as an 22 attendee at this meeting, right? 23 A. Uh-huh. 24 Q. Do you have it before you</p>

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<p style="text-align: right;">Page 630</p> <p>1 now? I'm sorry, I can't see over the 2 screen. 3 A. I do, I have it. 4 Q. Thank you. 5 I'd like to direct your 6 attention -- you see this list of 7 questions reflected here? 8 A. I see them, yes. 9 Q. And then you see answers 10 following the questions in a different 11 color? 12 A. Yes. 13 Q. Let's scroll down here. 14 Start with 8. 15 Have you ever reported a 16 suspicious order to any regulatory agency 17 for an Endo/Qualitest product? 18 Do you see that question to 19 UPS? 20 A. I do. 21 Q. And what was the answer, 22 ma'am? 23 A. No. 24 Q. Do you ever visit customers</p>	<p style="text-align: right;">Page 632</p> <p>1 testimony. 2 THE WITNESS: I believe 3 Qualitest was doing customer site 4 visits. 5 BY MR. BUCHANAN: 6 Q. As of February 13, 2013, 7 ma'am? 8 A. I don't know the exact date 9 that Qualitest started doing customer 10 visits, but I know they did customer 11 visits. 12 Q. At a point in time they did, 13 correct? 14 A. Correct. I don't know the 15 date when that started. 16 Q. You know they revamped their 17 SOM system, too, after the DEA came and 18 knocked on their door in 2013, right? 19 MR. LIMBACHER: Object to 20 form. 21 THE WITNESS: I can't speak 22 to Qualitest's SOM program. 23 BY MR. BUCHANAN: 24 Q. Then let's focus on Endo's</p>
<p style="text-align: right;">Page 631</p> <p>1 in person who are deemed suspicious? 2 Do you see that question? 3 A. I do. 4 Q. It says, Not currently. 5 Right? 6 A. That's what it says. 7 Q. It says, Clients may have 8 their sales reps visit customers. 9 Do you see that? 10 A. Yes, I see it. 11 Q. Vis-à-vis the relationship 12 with UPS, you were the client, right? 13 MR. LIMBACHER: Object to 14 form. 15 THE WITNESS: Yes. Endo was 16 the client at this time. 17 BY MR. BUCHANAN: 18 Q. Do I understand your 19 testimony correctly, ma'am, that to the 20 best of your knowledge, as of 2013, Endo 21 was not visiting any of its customers 22 that it deemed suspicious, correct? 23 MR. LIMBACHER: Object to 24 form. Foundation. Misstates her</p>	<p style="text-align: right;">Page 633</p> <p>1 SOM program. 2 At this point in time, in 3 February of 2013, are you aware of any 4 Endo employees going and visiting 5 customers that it deemed suspicious? 6 MR. LIMBACHER: Object to 7 form. Asked and answered. 8 THE WITNESS: Not that I 9 recall. 10 BY MR. BUCHANAN: 11 Q. Any customers of Endo 12 customers that it seemed suspicious? 13 MR. LIMBACHER: Object to 14 form. Asked and answered. 15 THE WITNESS: Not that I 16 recall. 17 BY MR. BUCHANAN: 18 Q. Okay. There's also a 19 question about how do you know your 20 customer's customer. 21 Do you see that? 22 A. Question 10 I'm assuming 23 you're referring to? 24 Q. Yes.</p>

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<p style="text-align: right;">Page 634</p> <p>1 A. Uh-huh.</p> <p>2 Q. It was a question that was</p> <p>3 being put by Endo to UPS, right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And as of this point</p> <p>6 in time, they didn't have that</p> <p>7 functionality where they were visiting</p> <p>8 customers' customers or knowing</p> <p>9 customers' customers, right?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form.</p> <p>12 THE WITNESS: That's what it</p> <p>13 states.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. And you didn't either,</p> <p>16 right?</p> <p>17 A. Endo did not provide -- do</p> <p>18 not do site visits. But I believe</p> <p>19 Qualitest started to. Again, I don't</p> <p>20 know the exact date.</p> <p>21 Q. Let's just talk about Endo.</p> <p>22 You do have knowledge about</p> <p>23 Endo, correct?</p> <p>24 A. I do.</p>	<p style="text-align: right;">Page 636</p> <p>1 A. When Qualitest did their</p> <p>2 site visits?</p> <p>3 Q. Uh-huh.</p> <p>4 A. Somebody from Qualitest.</p> <p>5 Q. Tracey Hernandez?</p> <p>6 A. That would be a person to</p> <p>7 start with.</p> <p>8 Q. How about, Do you utilize</p> <p>9 chargeback data?</p> <p>10 That was a question from you</p> <p>11 to UPS, right?</p> <p>12 A. That's correct.</p> <p>13 Q. Why were you asking UPS</p> <p>14 whether they utilized chargeback data,</p> <p>15 ma'am?</p> <p>16 A. Probably just trying to get</p> <p>17 an understanding of their SOM program.</p> <p>18 Q. Did you, in fact, have an</p> <p>19 understanding, at that point in time,</p> <p>20 that the DEA wanted manufacturers to use</p> <p>21 chargeback data?</p> <p>22 A. I can't recall.</p> <p>23 MR. LIMBACHER: Object to</p> <p>24 form.</p>
<p style="text-align: right;">Page 635</p> <p>1 Q. And to the best of your</p> <p>2 knowledge, Endo never conducted site</p> <p>3 visits of its customers or its customers'</p> <p>4 customers, correct?</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form. Asked and answered.</p> <p>7 THE WITNESS: Endo did not,</p> <p>8 but our generics division,</p> <p>9 Qualitest, did.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. Do you know when that</p> <p>12 started, ma'am?</p> <p>13 A. I do not know the exact date</p> <p>14 at this time.</p> <p>15 Q. And you certainly couldn't</p> <p>16 sit there and say they were doing it</p> <p>17 prior to this teleconference, right?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form.</p> <p>20 THE WITNESS: No, I can't</p> <p>21 confirm that.</p> <p>22 BY MR. BUCHANAN:</p> <p>23 Q. Okay. Who would be the</p> <p>24 person to ask on that?</p>	<p style="text-align: right;">Page 637</p> <p>1 BY MR. BUCHANAN:</p> <p>2 Q. Okay. And they said, what?</p> <p>3 They weren't doing that at that point in</p> <p>4 time, right?</p> <p>5 MR. LIMBACHER: Object to</p> <p>6 form.</p> <p>7 THE WITNESS: That's what it</p> <p>8 states.</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. Okay. Number 12, What type</p> <p>11 of trending do you do, if any?</p> <p>12 Do you see that question</p> <p>13 from Endo to UPS?</p> <p>14 A. Uh-huh.</p> <p>15 Q. And why were you asking</p> <p>16 about trending at that point in time?</p> <p>17 A. Probably just trying to get</p> <p>18 an understanding of their SOM program.</p> <p>19 Q. Did you know that the DEA</p> <p>20 was interested in manufacturers doing</p> <p>21 trending analyses as of this point in</p> <p>22 time?</p> <p>23 A. Not that I recall.</p> <p>24 MR. LIMBACHER: Object to</p>

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<p style="text-align: right;">Page 638</p> <p>1 form.</p> <p>2 THE WITNESS: Not that I</p> <p>3 recall.</p> <p>4 BY MR. BUCHANAN:</p> <p>5 Q. As of this point in time, we</p> <p>6 can agree that Endo wasn't doing</p> <p>7 trending, correct?</p> <p>8 MR. LIMBACHER: Object to</p> <p>9 form. Misstates the evidence.</p> <p>10 THE WITNESS: Not that I</p> <p>11 recall.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. Okay. Do you modify your</p> <p>14 program based on current diversion</p> <p>15 trends?</p> <p>16 Do you see that item?</p> <p>17 A. I do.</p> <p>18 Q. And why were you asking UPS,</p> <p>19 at this point in time, that question?</p> <p>20 A. Probably just trying to get</p> <p>21 information about the SOM program.</p> <p>22 Q. In fact, you learned from</p> <p>23 the DEA that they were interested in</p> <p>24 manufacturers being sensitive to current</p>	<p style="text-align: right;">Page 640</p> <p>1 screen and move this along? We</p> <p>2 can certainly supplement it for</p> <p>3 the record and identify it by</p> <p>4 Bates number.</p> <p>5 MR. LIMBACHER: Let's give</p> <p>6 him just a minute or two more to</p> <p>7 see.</p> <p>8 MR. BUCHANAN: If not, we'll</p> <p>9 just make a copy outside. It's</p> <p>10 fine.</p> <p>11 MR. LIMBACHER: Do you have</p> <p>12 a lot of questions?</p> <p>13 MR. BUCHANAN: I don't.</p> <p>14 THE WITNESS: I'm okay with</p> <p>15 it on the screen, if you're okay</p> <p>16 with it.</p> <p>17 MR. LIMBACHER: Let's just</p> <p>18 see if he can find it.</p> <p>19 MR. BUCHANAN: Thank you.</p> <p>20 Sorry to put you on the spot like</p> <p>21 that, Scott.</p> <p>22 MR. SIEGEL: 736, being</p> <p>23 marked as Exhibit-37.</p> <p>24 - - -</p>
<p style="text-align: right;">Page 639</p> <p>1 diversion trends and modifying their</p> <p>2 effective controls; isn't that right,</p> <p>3 ma'am?</p> <p>4 A. I can't speak to that, no.</p> <p>5 Q. Okay.</p> <p>6 MR. BUCHANAN: Can I please</p> <p>7 have 736?</p> <p>8 How am I doing on time?</p> <p>9 VIDEO TECHNICIAN: You have</p> <p>10 23 minutes.</p> <p>11 MR. BUCHANAN: Thank you.</p> <p>12 Do you have it already over</p> <p>13 there or you're waiting for it</p> <p>14 from us?</p> <p>15 MR. LIMBACHER: What are we</p> <p>16 talking about?</p> <p>17 MR. BUCHANAN: If we haven't</p> <p>18 passed you a new exhibit, you</p> <p>19 don't have it yet.</p> <p>20 MR. LIMBACHER: You have not</p> <p>21 just yet.</p> <p>22 MR. BUCHANAN: Okay.</p> <p>23 Can we agree, with all</p> <p>24 counsel, to just do it on the</p>	<p style="text-align: right;">Page 641</p> <p>1 (Whereupon, EndoWalker</p> <p>2 Exhibit-37, No Bates, 7/16/13</p> <p>3 E-mail from Laurel McDermott to</p> <p>4 Sanjay Patel; Subject: SOMS</p> <p>5 Customer Letter & Sales Rep</p> <p>6 Talking Points, was marked for</p> <p>7 identification.)</p> <p>8 - - -</p> <p>9 BY MR. BUCHANAN:</p> <p>10 Q. I'm passing over what we</p> <p>11 marked as Exhibit-736 -- I'm sorry, 37.</p> <p>12 Thank you. It's been a day, my</p> <p>13 apologies.</p> <p>14 MR. LIMBACHER: It's been a</p> <p>15 long day.</p> <p>16 BY MR. BUCHANAN:</p> <p>17 Q. It's an e-mail from Ms.</p> <p>18 McDermott to yourself and two other</p> <p>19 individuals.</p> <p>20 Do you see this?</p> <p>21 A. Yes.</p> <p>22 Q. Sanjay Patel, Lisa Walker</p> <p>23 and Kevin O'Brien as recipients?</p> <p>24 A. I see that.</p>

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<p>1 Q. Who is Laurel McDermott?</p> <p>2 A. She was an admin at the</p> <p>3 time.</p> <p>4 Q. Sanjay Patel?</p> <p>5 A. I don't remember his title.</p> <p>6 Q. Which function?</p> <p>7 A. I believe supply chain,</p> <p>8 maybe. I can't confirm.</p> <p>9 Q. Kevin O'Brien?</p> <p>10 A. He was my boss at the time.</p> <p>11 Q. So to three people in supply</p> <p>12 chain?</p> <p>13 A. I was not part of supply</p> <p>14 chain.</p> <p>15 Q. At this point in time?</p> <p>16 A. No, I was not.</p> <p>17 Q. What function would you</p> <p>18 characterize your --</p> <p>19 A. I mean, I was in customer</p> <p>20 service and distribution, but we were not</p> <p>21 part of supply chain.</p> <p>22 Q. Understood, okay.</p> <p>23 So yourself and your boss,</p> <p>24 Mr. O'Brien. The subject is, SOMS</p>	<p>1 for direct customers. UPS doing it for</p> <p>2 Endo does not suffice.</p> <p>3 Did I read that correctly?</p> <p>4 A. That's what it states. But</p> <p>5 that's incorrect, because remember, we</p> <p>6 had an SOM program in place at this time,</p> <p>7 and so did UPS.</p> <p>8 MR. BUCHANAN: Move to</p> <p>9 strike.</p> <p>10 BY MR. BUCHANAN:</p> <p>11 Q. It says, DEA has asked Endo</p> <p>12 to improve initial order evaluation for</p> <p>13 direct customers. UPS doing it for Endo</p> <p>14 does not suffice.</p> <p>15 Did I read that correctly;</p> <p>16 yes or no?</p> <p>17 A. Yes, you read it correctly.</p> <p>18 But it's not a correct statement.</p> <p>19 Q. Thank you. Let's go on.</p> <p>20 DEA has asked Endo to</p> <p>21 improve use of chargeback data to review</p> <p>22 indirect customers.</p> <p>23 Did I read that correctly?</p> <p>24 A. You did.</p>
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<p>1 customer letter and sales rep talking</p> <p>2 points.</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. It says, Hi, Brian, you may</p> <p>6 recall from various discussions that on</p> <p>7 March 6, 2013, DEA notified Endo at a</p> <p>8 meeting that took place in Washington the</p> <p>9 need to bolster the suspicious order</p> <p>10 monitoring program.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. They presented over 200</p> <p>14 slides of data showing Endo/Qualitest</p> <p>15 product sales specifically for those</p> <p>16 distributors and pharmacies for which</p> <p>17 they considered outliers and potential</p> <p>18 diversion.</p> <p>19 Did I read that correctly?</p> <p>20 A. Uh-huh.</p> <p>21 Q. DEA has asked Endo to</p> <p>22 improve -- do you see that, ma'am?</p> <p>23 A. I do.</p> <p>24 Q. -- initial order evaluation</p>	<p>1 Q. DEA has asked Endo to</p> <p>2 improve customer due diligence visits,</p> <p>3 potentially of both direct and indirect</p> <p>4 customers.</p> <p>5 Did I read that correctly?</p> <p>6 A. You did.</p> <p>7 Q. In addition, they have</p> <p>8 stated they will inspect Endo by end of</p> <p>9 year to ensure the corrective actions</p> <p>10 have been implemented.</p> <p>11 Correct?</p> <p>12 A. That's what it states.</p> <p>13 MR. LIMBACHER: Can I just</p> <p>14 put on the record an objection to</p> <p>15 questions with regard to</p> <p>16 Exhibit-37, to the extent it's</p> <p>17 outside of the scope of the direct</p> <p>18 examination.</p> <p>19 MR. BUCHANAN: I think it's</p> <p>20 fully within the scope. It's</p> <p>21 fully within the scope. But,</p> <p>22 sure, you can state that.</p> <p>23 BY MR. BUCHANAN:</p> <p>24 Q. Attached documents list the</p>

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<p>1 requirements and the Qualitest progress</p> <p>2 to date. We are planning to update DEA</p> <p>3 in approximately two months on the</p> <p>4 progress we have made with Qualitest. We</p> <p>5 will need to similarly share our plans</p> <p>6 with the branded products.</p> <p>7 Did I read that correctly?</p> <p>8 A. You read it correctly, yes.</p> <p>9 Q. Did the DEA -- excuse me,</p> <p>10 withdrawn.</p> <p>11 We can agree that at no</p> <p>12 point in time after this exchange and</p> <p>13 after the meeting with the DEA in 2013</p> <p>14 did Endo commence the use of chargeback</p> <p>15 data to review indirect customers,</p> <p>16 correct?</p> <p>17 MR. LIMBACHER: With regard</p> <p>18 to branded opioids?</p> <p>19 MR. BUCHANAN: Yes.</p> <p>20 THE WITNESS: I was not part</p> <p>21 of this discussion with the DEA on</p> <p>22 March 6th, 2013. And I think we</p> <p>23 spoke earlier about the chargeback</p> <p>24 data related to branded.</p>	<p>1 explained earlier as to why we did not.</p> <p>2 Q. And, again, confirming at</p> <p>3 least their understanding, based on your</p> <p>4 testimony today, customer due diligence,</p> <p>5 in terms of Endo branded, were not</p> <p>6 commenced of either direct or indirect</p> <p>7 customers following the DEA visit,</p> <p>8 correct, ma'am?</p> <p>9 MR. LIMBACHER: Object to</p> <p>10 form. Asked and answered.</p> <p>11 THE WITNESS: No, the</p> <p>12 branded side did not. But our</p> <p>13 Qualitest partners did.</p> <p>14 BY MR. BUCHANAN:</p> <p>15 Q. And did you keep a file of</p> <p>16 the Qualitest due diligence visits in</p> <p>17 your SOM group?</p> <p>18 A. No. That was housed at</p> <p>19 Qualitest.</p> <p>20 Q. So where would you go within</p> <p>21 Endo, ma'am, to get the results of the</p> <p>22 Qualitest due diligence visits so that</p> <p>23 you could assess your customers and</p> <p>24 customers of customers?</p>
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<p>1 BY MR. BUCHANAN:</p> <p>2 Q. Is that, then, you agree</p> <p>3 with me, ma'am, that after this exchange</p> <p>4 on which you're copied that purports to</p> <p>5 memorialize or summarize, in some way, a</p> <p>6 March 6th, 2013 DEA meeting, that after</p> <p>7 that, the branded did not use chargeback</p> <p>8 data to review indirect customers,</p> <p>9 correct?</p> <p>10 MR. LIMBACHER: Object to</p> <p>11 form. Misstates her prior</p> <p>12 testimony.</p> <p>13 BY MR. BUCHANAN:</p> <p>14 Q. You can answer.</p> <p>15 MR. LIMBACHER: We can go</p> <p>16 over it all over again if you</p> <p>17 want.</p> <p>18 MR. BUCHANAN: I think a yes</p> <p>19 would have been faster than your</p> <p>20 speech.</p> <p>21 BY MR. BUCHANAN:</p> <p>22 Q. Go ahead.</p> <p>23 A. No, we did not use</p> <p>24 chargeback data. But I believe I</p>	<p>1 A. I would have gone to</p> <p>2 Qualitest, if I needed to.</p> <p>3 Q. At what point in time did</p> <p>4 you reach out to Qualitest and get the</p> <p>5 results of their due diligence visits?</p> <p>6 MR. LIMBACHER: Object to</p> <p>7 form.</p> <p>8 THE WITNESS: I didn't.</p> <p>9 Because they didn't come to me</p> <p>10 that there was an issue with the</p> <p>11 Endo customers.</p> <p>12 BY MR. BUCHANAN:</p> <p>13 Q. To the best of your</p> <p>14 knowledge, ma'am, the results of the</p> <p>15 Qualitest due diligence visits did not</p> <p>16 impact any Endo customers, that's your</p> <p>17 understanding?</p> <p>18 MR. LIMBACHER: Object to</p> <p>19 form.</p> <p>20 THE WITNESS: That's my</p> <p>21 understanding.</p> <p>22 MR. BUCHANAN: Thank you.</p> <p>23 No further questions.</p> <p>24 MR. LIMBACHER: Can we just</p>

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<p style="text-align: right;">Page 650</p> <p>1 take a very short break?</p> <p>2 VIDEO TECHNICIAN: Going off</p> <p>3 the record. The time is 6:57.</p> <p>4 - - -</p> <p>5 (Whereupon, a brief recess</p> <p>6 was taken.)</p> <p>7 - - -</p> <p>8 MR. LIMBACHER: No further</p> <p>9 questions. We are done. Thank</p> <p>10 you very much.</p> <p>11 - - -</p> <p>12 (Whereupon, the deposition</p> <p>13 concluded at 7:02 p.m.)</p> <p>14 - - -</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 652</p> <p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition</p> <p>4 over carefully and make any necessary</p> <p>5 corrections. You should state the reason</p> <p>6 in the appropriate space on the errata</p> <p>7 sheet for any corrections that are made.</p> <p>8 After doing so, please sign</p> <p>9 the errata sheet and date it.</p> <p>10 You are signing same subject</p> <p>11 to the changes you have noted on the</p> <p>12 errata sheet, which will be attached to</p> <p>13 your deposition.</p> <p>14 It is imperative that you</p> <p>15 return the original errata sheet to the</p> <p>16 deposing attorney within thirty (30) days</p> <p>17 of receipt of the deposition transcript</p> <p>18 by you. If you fail to do so, the</p> <p>19 deposition transcript may be deemed to be</p> <p>20 accurate and may be used in court.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 651</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3</p> <p>4 I HEREBY CERTIFY that the</p> <p>5 witness was duly sworn by me and that the</p> <p>6 deposition is a true record of the</p> <p>7 testimony given by the witness.</p> <p>8</p> <p>9</p> <p>10</p> <p>11 Amanda Maslinsky-Miller</p> <p>12 Certified Realtime Reporter</p> <p>13 Dated: December 5, 2018</p> <p>14</p> <p>15</p> <p>16</p> <p>17 (The foregoing certification</p> <p>18 of this transcript does not apply to any</p> <p>19 reproduction of the same by any means,</p> <p>20 unless under the direct control and/or</p> <p>21 supervision of the certifying reporter.)</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 653</p> <p>1 -----</p> <p>2 E R R A T A</p> <p>3 -----</p> <p>4 PAGE LINE CHANGE/REASON</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p>

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<div>Page 654</div> <div>1 ACKNOWLEDGMENT OF DEPONENT</div> <div>2</div> <div>3 I, _____, do</div> <div>4 hereby certify that I have read the</div> <div>5 foregoing pages, 1 - 650, and that the</div> <div>6 same is a correct transcription of the</div> <div>7 answers given by me to the questions</div> <div>8 therein propounded, except for the</div> <div>9 corrections or changes in form or</div> <div>10 substance, if any, noted in the attached</div> <div>11 Errata Sheet.</div> <div>12</div> <div>13 _____ LISA WALKER DATE</div> <div>14</div> <div>15 Subscribed and sworn</div> <div>16 to before me this</div> <div>17 _____ day of _____, 20____.</div> <div>18</div> <div>19 My commission expires: _____</div> <div>20</div> <div>21 _____ Notary Public</div> <div>22</div> <div>23</div> <div>24</div>	
<div>Page 655</div> <div>1 LAWYER'S NOTES</div> <div>2 PAGE LINE</div> <div>3 _____</div> <div>4 _____</div> <div>5 _____</div> <div>6 _____</div> <div>7 _____</div> <div>8 _____</div> <div>9 _____</div> <div>10 _____</div> <div>11 _____</div> <div>12 _____</div> <div>13 _____</div> <div>14 _____</div> <div>15 _____</div> <div>16 _____</div> <div>17 _____</div> <div>18 _____</div> <div>19 _____</div> <div>20 _____</div> <div>21 _____</div> <div>22 _____</div> <div>23 _____</div> <div>24 _____</div>	

165 (Pages 654 to 655)